Nat Hentoff: When Reporters Are Bad Guys

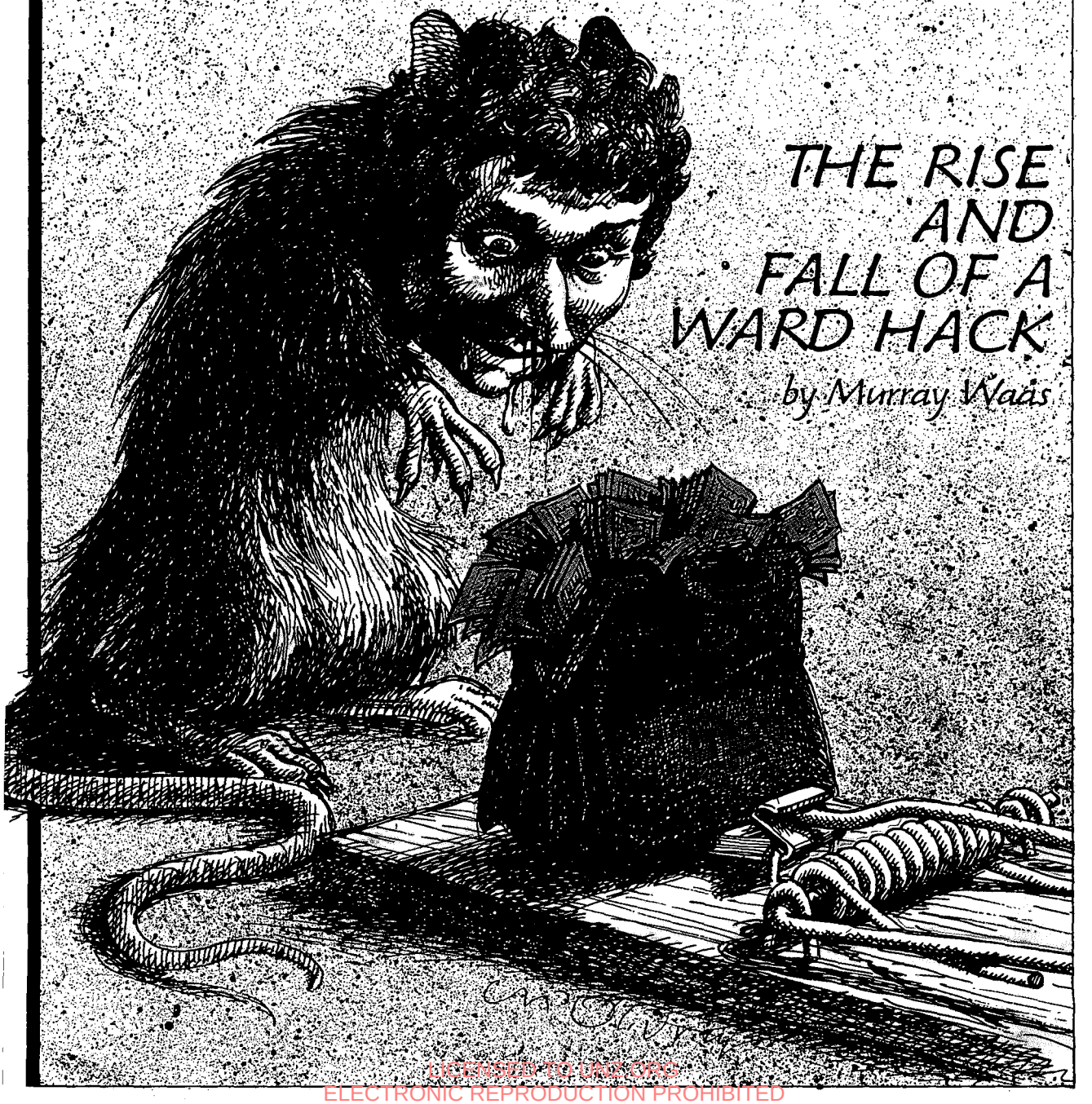
INQUIRY®

MAGAZINE JANUARY 11 & 25, 1982

The Ozzie Myers Story

THE RISE AND FALL OF A WARD HACK

by Murray Waas



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The Psychology of Freedom
Liberty and Love as a Way of Life
by Peter R. Breggin, M.D.

- **On love for self and others**
  - What is love?
  - Enjoying romantic love
  - Bodily sex and passion
  - Freedom versus love?
  - The fear of loving
  - Pursuing your self-interest
- **On self-determination**
  - Self-oppression – the key concept
  - Feelings of helplessness & fear
  - Supremacy of reason over emotion
  - Making insight work in your life
  - Personal freedom in everyday life
  - You own yourself
- **On parents and children**
  - Parenthood without force
  - Raising free & happy children
  - What parents owe children
  - What children owe parents
  - Origins of guilt & shame
  - Transcending your childhood

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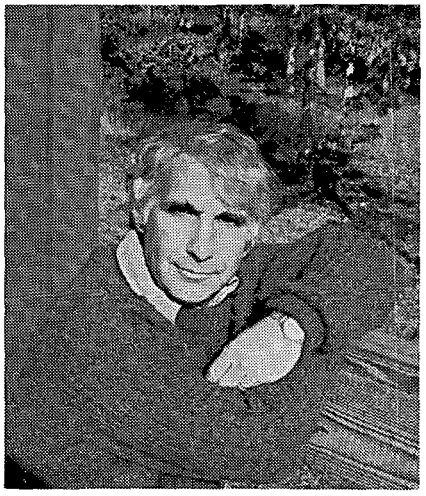
Peter R. Breggin, M.D.



Peter R. Breggin, M.D. is a psychiatrist in private practice in the Washington, D.C. area, and the author of five books and many articles dealing with psychiatry. Formerly a Teaching Fellow at Harvard Medical School and a fulltime Consultant with the National Institute of Mental Health, he is now Director of the Center for the Study of Psychiatry. Internationally known as America's leading critic of oppressive psychiatric technology, he now responds to the question, "What have you got to offer that's better?" His answer is a systematic, yet common sense presentation of the psychology of self-determination.

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"Valuable for anyone who is involved in life. It confers an understanding of self and others. Truly a magnificent creation. Simple, yet brilliant."
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"This is a lovely book. It speaks to a yearning for self-determination and individual happiness that is the mainspring of today's three great grassroots movements – libertarianism, feminism and the human potential movement."
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"Breggin's pathbreaking integration of psychology and politics makes *The Psychology of Freedom* one of the most important libertarian books in years – if we only heed the message."
REASON, May, 1981

"Peter Breggin's conception of human consciousness makes more sense to me than anything else I have ever heard. His forceful and down to earth presentation provides a gut level understanding far more meaningful than abstract reasoning alone."
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JANUARY 11 & 25, 1982

The Rise and Fall of a Ward Hack

MURRAY WAAS **p. 12**

The life and times of Abscam felon Ozzie Myers prove that the political road from city ward to Capitol Hill is paved with kickbacks, lies, and fraud.

Banning Baggies and Bongs

JEFF RIGGENBACH **p. 20**

The DEA is aggressively peddling an anti-headshop act to state and local government that makes holding rolling papers a stiffer offense than holding grass. Why?

COLUMNS & REVIEWS

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Journalists with glass jaws. Are reporters really as bad as the new film *Absence of Malice* makes them look? Sadly, the answer is often yes. *(NAT HENTOFF)*

Politics ..... **p. 9**

Dear Ronnie... In which *INQUIRY* reminds the Prez of a memo we sent him a year ago about cutting back big government—a memo he must have misplaced. *(MARY MEEHAN)*

Books ..... **p. 24**

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Film ..... **p. 30**

Stephen Harvey on *Man of Iron* and *Contract.*

Cover illustration by BRUCE MCGILLIVRAY

A WORD FROM THE PUBLISHER

WE ARE PLEASED TO welcome the former subscribers to the *Libertarian Review,* who are joining the ranks of *INQUIRY* readers as part of our consolidation of the two publications. *LR* readers have become accustomed to forthright, unequivocal editorial stands in favor of personal liberty, a free economy, and nonintervention in foreign affairs. *INQUIRY,* with its firm belief in individual rights and its accompanying skepticism about the uses and abuses of government power, should prove to be no disappointment to its new readers.

Getting down to specifics, this issue's look at the career of former Representative Michael "Ozzie" Myers (D-Abscam) should drive home the point about the inherent evils of government power. As should our story on drug-paraphernalia laws, demonstrating supply-side theory gone bonkers. These and the other fine pieces in this issue constitute our New Year's greeting to all of our readers from our new observation post at the center of the problem, Washington, D.C.

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RES PUBLICA

Great moments in law enforcement, part I...

■ A member of the [Atlantic City] City Commission who is also a police officer has promoted himself for the second time in a year.

Public Safety Director Willie B. Clayton, who was a police captain when elected to the City Commission in May, 1980, said Monday he was promoting himself and four others from the rank of inspector to the rank of deputy chief.

The promotion carries a 22.5 percent pay increase, to $37,975, for Clayton and the four former inspectors....

Clayton said he promoted himself as part of a long-term department reorganization. He promoted himself from captain to inspector last November.

— *Washington Post, Nov. 25, 1981*

...part II

■ The Contra Costa County sheriff's vice squad, with its image already tarnished by a raid on a senior citizens' poker game last July, this time has seized a little girl's piggybank.

Two weeks ago deputies were called to William C. Moore's home to investigate the disappearance of a valuable necklace. That's when they spotted 12-year-old Gina's piggybank.

Wednesday, Sgt. Don Jepson and another deputy returned to the house and carted off the bank—an altered slot machine.

Moore protested, arguing that the machine had been altered so anyone pulling the handle could watch the rotating lemons, cherries and plums, but get no payoff....

Sgt. Jepson gained notoriety as a vice crusader last summer when he led his men on a raid of a nickel-dime poker game being played by seven retired men, aged 56 to 77, in a Pacheco, Calif., trailer park. The district attorney's office declined to prosecute in that case.

— *Pawtucket (R.I.) Evening Times, Nov. 27, 1981*

Put a tiger in your bank

■ A Federal judge threw out the Government's case against former Representative Charles J. Carney, who was accused of illegally accepting use of an oil company credit card while in Congress.

After the judge ruled, Mr. Carney, 68 years old, of Youngstown, Ohio, said he was "tired but happy."

Of the case, he said, "If they got away with it on me, not a Congressman on Capitol Hill would be safe."

Mr. Carney, a Democrat, insisted in the trial that he was justified in using the credit card.

Federal District Judge William B. Bryant, who dismissed the case, said, "There is no substantial evidence from which a jury could find this man guilty." He said that a jury would have to speculate on Mr. Carney's motive for accepting the credit card. But, he added, "I'm not going to let them do it."

Justice Department attorneys argued that Mr. Carney accepted the card from an oil executive, William G. Lyden Jr., of Youngstown, knowing it was given because the Congressman was in a position to do favors for Mr. Lyden.

In five days of testimony, defense attorneys conceded that from 1971 to 1978, Mr. Carney used $9,345 worth of gasoline paid for by Lyden Oil, and that he was reimbursed $17,588 by the Government for official travel in the same period.

— *New York Times, Nov. 24, 1981*

From the same folks who brought you the Mexican border

■ U.S. immigration officials say they have developed a backlog of more than 30 million unprocessed visitors' forms and that it will take until 1983 to verify who has entered and left the country in the last two years.

The backup affects records on roughly 20 million visitors since January, 1980. Immigration and Naturalization Service officials insist that "the vast majority" of those persons returned to their native lands, but concede they have no way to prove it....

Robert Kane, associate INS commissioner who heads the effort to computerize the agency's records, said the bureaucratic mess "puts the whole credibility of the system into question.... It puts the credibility of the INS into question...."

"We have no idea who came, who left and, of course, who's here," said one agency official, who asked to remain anonymous.

— *Los Angeles Times, Nov. 24, 1981*

Gone but not forgotten

■ Tens of thousands of people, singing patriotic songs and chanting for the freedom of last February's abortive military coup, rallied today to mark the sixth anniversary of the death of Francisco Franco.

"The enemies of Spain and of Christian civilization are alert," Blas Piñar, leader of the neofascist New Force party, told the crowd. "But Francisco Franco, the cleanest sword in Europe, is with us here in the Plaza de Oriente."

"Franco! Franco! Franco!" the crowd in the plaza where Franco used to address crowds chanted in response, giving the stiff-armed fascist salute....

The ultrarightist assembly in the Plaza de Oriente has become something of a ritual since the dictator's death Nov. 20, 1975, drawing large numbers of middle-class families.

— *New York Times, Nov. 23, 1981*

When video games are outlawed, only outlaws will have video games

■ President Ferdinand E. Marcos banned video game machines Thursday because of complaints from parents and teachers that the games were creating "havoc" with the morality of the nation's youth.

Marcos ordered police to strictly enforce the provisions of a presidential decree prohibiting the video games as well as pinball machines, slot machines and other similar devices. Violators face a fine of $600 or six months to 12 years in jail.

— *Los Angeles Times, Nov. 20, 1981*

Home, Lloyd

■ When Transportation Secretary Drew Lewis arrived at the White House Monday morning for an emergency Cabinet meeting on shutting down the government, a reporter asked whether his chauffeur was essential.

"I don't think so," said Lewis, looking sheepish.

Lewis allowed chauffeur Lloyd Fletcher to drive him back to his office—then furloughed him.

— *Los Angeles Times, Nov. 24, 1981*

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The federal juggernaut rolls on

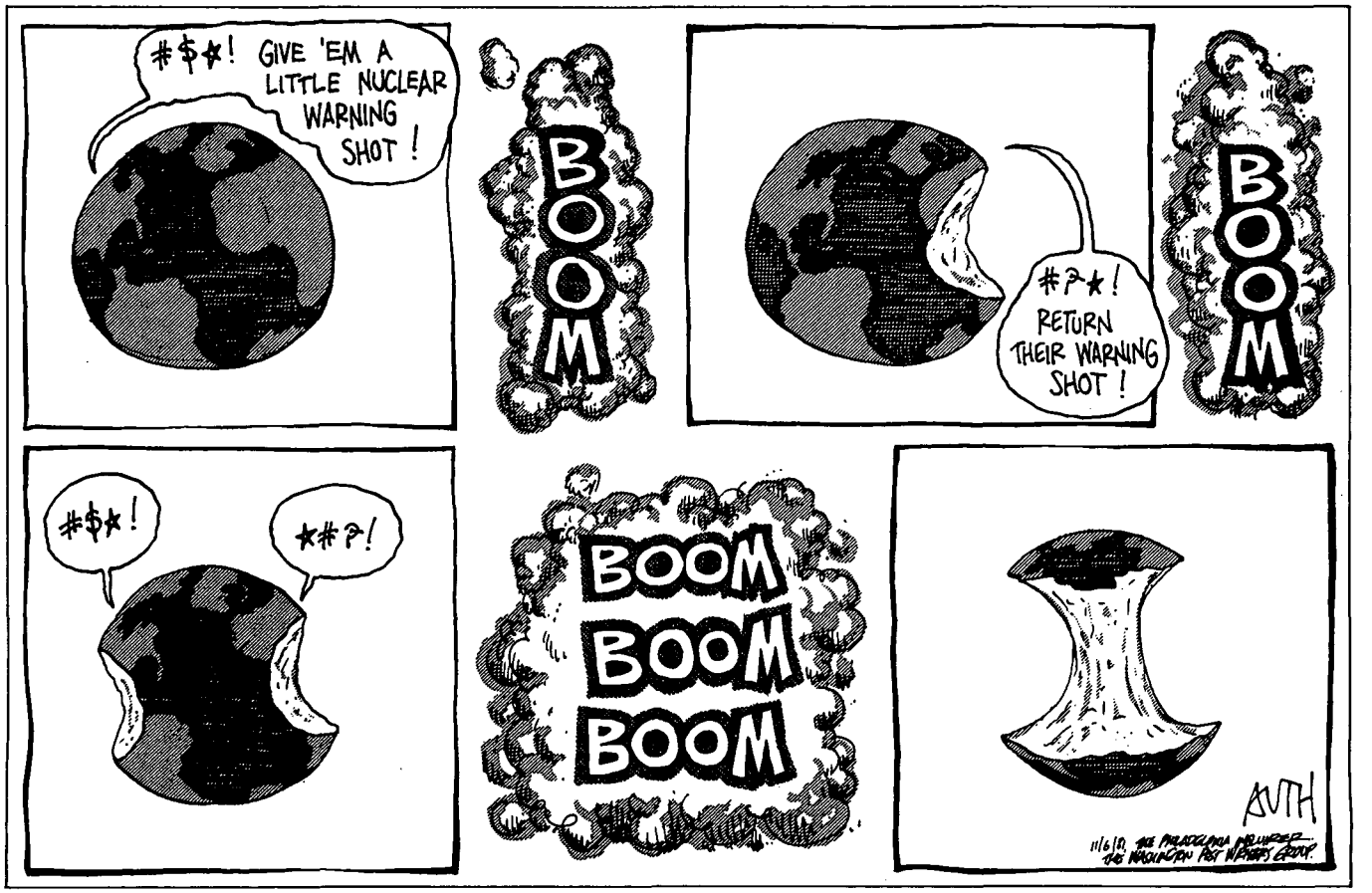
Reagan: One year later

THEY HAD A MERRY CHRISTMAS AT THE White House, you can be sure. Lord knows there were plenty of reasons they shouldn't have: 1981 was a year when a stranger shot the President, and one of his own aides publicly gunned down his economic program; when White House aides openly called the secretary of state a madman, and the secretary of state did his best to confirm their fears; when inflation got so bad that the national security adviser had to begin accepting tips to make ends meet; when a *conservative* president conceded the biggest budget deficit of all time, breaking the previous record by some $40 billion with hardly a blink. But through all the bumbling, through what may have been the all-time worst first year for any president, the American people stuck with Ronald Reagan. A Yankelovich poll in the late fall showed that between 70 and 80 percent of the voting public still expressed confidence in Reagan's ability to handle the economy, manage foreign policy, and perform a host of other presidential duties.

The source of this marvelous faith in Reagan, as Mary Meehan observes on page 10, is probably rooted in the simple fact that he isn't Jimmy Carter or Richard Nixon. He is an amiable fellow, the first president in memory who can tell jokes on himself without seeming hopelessly strained about it. Even his most savage critics — and we at *INQUIRY* count ourselves among them — found it hard to fight off a wave of affection for Reagan as he reeled off one-liners from his hospital bed after the assassination attempt last spring. Whatever his policy errors — and they are legion — he has brought that rare quality, class, to the White House.

Unfortunately, being a nice old guy is not enough. In his first year Reagan has left the economy in a shambles and might very well have done the same to the whole world if he had not been fortuitously diverted by his budget struggle with Congress. And there are no signs that the road ahead will be an easier one; in fact, there is every reason to think it will be worse.

It was to the economy that Reagan devoted most of his



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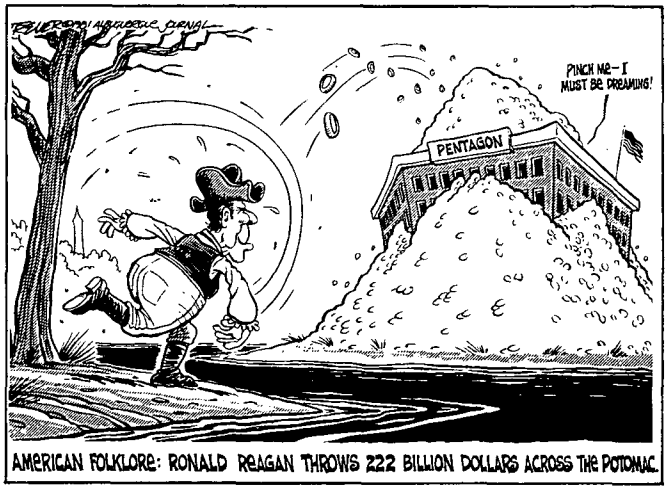
attention in 1981, and it is there that his failings have been the most obvious. The contradiction in his plans has been obvious since long before he became president, clear back to February 1980, when reporters asked during a campaign debate how it was going to be possible to increase defense spending, cut taxes, and balance the budget, all at the same time. A smirking John Anderson had the answer: "You do it with mirrors."

But even sleight of hand hasn't been able to disguise the grim truth: a whopping $109 billion budget deficit that makes a mockery of the term "fiscal conservative," with worse to come over the next two years. It is a complete repudiation of Reagan's supply-side economics, which promised that tax cutting alone would cause such a spurt in productivity that the word deficit would be stricken from the dictionary. David Stockman has come under heavy fire from the administration's supply-side gang for admitting in the *Atlantic* that the Laffer curve really is, in George Bush's memorable phrase, "voodoo economics." But Reagan himself has said as much. Through his press secretary Larry Speakes, the President last month said that unemployment was going up because that's "the price you have to pay for bringing down inflation." Heresy, of course, to those preaching the supply-side gospel.



But of course the administration contradicted its own supply-side rhetoric right at the start, by calling for budget cuts. If Reagan really had believed his speeches, if he truly thought slashing tax rates would increase tax revenues, then he would have considered cuts unnecessary. Perhaps that is why the ones he made were so insubstantial. For all the hoopla over the "Reagan Revolution," he didn't cut spending by so much as a dime. All he did was slow the *growth* of spending. Had the President gotten every penny that he asked for in cuts—including those proposed through 1986—government spending would still increase about 8 percent a year between 1981 and 1986.

Is that what most Americans wanted from Reagan when they voted for him in 1980? To *slow the growth* of federal spending? Hardly. And yet Reagan squandered an enormous amount of political capital on this very thing. When he entered office last January he faced a Congress cowed by his surprising margin of victory, a Congress where old alliances and assumptions were badly shaken if not totally destroyed. His own cabinet, of course, was new and as yet had no established turf to protect. Reagan had a rare opportunity to cast aside politics as usual and make a serious attempt to reverse the crippling growth of government. Instead of $40 billion in cuts, he could have asked for $140 billion, and quite likely gotten most of it.

But instead of cutting federal spending, he cut Carter's budget. None of the cuts came from the costly entitlements programs (although, in fairness, Congress helped see to that), none of them came from the insanely bloated defense budget, and damn few came from the corporate welfare programs that Republicans are so fond of. The dairy subsidy, the tobacco subsidy, sugar price supports, the Export-Import Bank, and the Department of Energy's far-flung subsidies are all still with us. (And although it's been little publicized, there were no cuts in off-budget programs, which will increase government indebtedness this year by another $84 billion.) Meanwhile, the political opposition—spurred on in large part by the inequity of cutting money for people while increasing it for bombs — hardened, and round two of Reagan's budget cuts had much tougher sledding: The President actually had to shut the government down for a day to get even half of the $8 billion in cuts he was asking for. (The emptiness of the shutdown threat was an illuminating index to the impenetrability of the federal juggernaut. Even though there was no legal authority for it, most of the government kept operating, and the few thousand employees who got the afternoon off collected their salaries anyway. It seems it would have cost more not to pay them than to pay them.)

Having blown his opportunity to do any real cutting, Reagan is now likely to pursue the other side of the coin: raising taxes. James Baker, Murray Weidenbaum, Donald Regan, and others are already arguing for "revenue enhancement" and "closing tax expenditure loopholes" (translation: higher taxes and fewer tax deductions), and of course David Stockman has said all along that the Reagan income-tax cuts should be scuttled. (They also tried, briefly, to claim that there is no connection between government deficits and inflation, but were hooted down even by other Republican economists.) If these men prevail, the Reagan administration will surely be remembered as the biggest sellout and double-cross since 1932, when Franklin Roosevelt promised to balance the budget.

"WELL, YES, STRICTLY SPEAKING THE CIA'S JOB IS ABROAD. HOWEVER, WE WERE NEVER VERY GOOD AT THE OVERSEAS SPYING, SO THEY'VE DECIDED WE SHOULD STICK TO THIS DOMESTIC STUFF."

BAD AS THE ECONOMIC SITUATION IS, we ought to be thankful for it — because it has distracted Reagan from seriously pursuing foreign policy. If the administration weren't so busy lying about budget deficits, it might very well have fried the earth to a crisp by now. One of the more pleasant aspects of Jimmy Carter's departure from the White House was that the devious and paranoid Zbigniew Brzezinski returned to an obscure and comparatively harmless life in academia, but in Alexander Haig we have achieved the true pinnacle of paranoia. Haig sees a Cuban under

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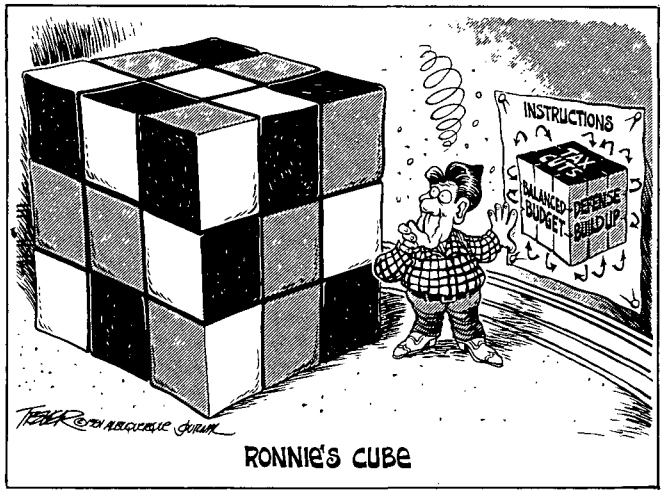
practically every bush. His antics are so wild that he often provokes Defense Secretary Caspar Weinberger, hardly a dovish sort, into reasonableness, as when Weinberger spoke up against naval blockades of Cuba and Nicaragua, calling them pointless and hare-brained.

Quite typical was a report Haig issued last month in which he said that Cuban influence in Grenada has "mushroomed" and that the tiny island "has slavishly followed a pro-Soviet foreign policy line." With a straight face, Haig added that all



RONNIE'S CUBE

Africa—that's right: Africa, even though it's 3200 miles away—was likely to follow, like, well, you know, dominoes. Now, Grenada is about twice the size of the District of Columbia, and its total armed forces number less than a single shift of the Los Angeles Police Department. The only strategic resource it controls is a third of the world nutmeg crop. The effect of its foreign policy on Africa is about the same that the economic policy of the Tucumcari, New Mexico, city council has on Reagan's fiscal strategy. Yet this is being touted as a reason for a naval blockade of Cuba.

Haig is almost as crazed on the subject of Nicaragua. In November, while Haig was testifying before the House Foreign Affairs Committee, he was asked for an assurance that the United States was not planning to overthrow the Nicaraguan government. "No, I would not give you such an assurance," Haig replied. Representative Michael Barnes of Maryland, unable to believe what he had just heard, asked again if Haig could promise that the American government wouldn't take overt or covert action against Nicaragua. "I'm not prepared to say anything of that kind," Haig answered. "If you are trying to reassure those regimes that are moving toward totalitarian government, I question if we're on a sound course."

"Based on your responses," said Barnes, "if I were a Nicaraguan, I'd be building my bomb shelter."

At the same time that Haig was publicly pointing a gun at Nicaragua, he was trying privately to get the Sandinistas to agree not to expand their military. Small wonder that they refused to go along. (And when the Reagan administration plans to spend $1.5 trillion on defense over the next five years, it is hardly in a position to ask that anyone else show military restraint.) Anonymous administration spokesmen (read: Haig, or one of his goons) justify these threats on the ground that Nicaragua "is on the verge of becoming a superpower in Central American terms," which is laughable. The country is nearly bankrupt; you can't even buy sugar there, although it's a major Nicaraguan crop. If we just leave them alone, the Sandinistas will soon collapse under their own weight.

But leaving well enough alone is not a feature of Reagan's foreign policy. There are some Cuban military advisers and some Cuban arms in Nicaragua, so Nicaragua must be destabilized. (No matter that there are *American* military advisers and *American* arms a few miles away in El Salvador.) There are Soviet-backed Vietnamese in Cambodia, so we have to support the deposed Khmer Rouge regime. (No matter that the Khmer Rouge are mass murderers and, in a noteworthy exception to our habit of backing repressive right-wing despots, communists to boot.) There are Soviet troops in Afghanistan, so we have to stage military maneuvers in the Middle East to prove that we're ready to go to war there. (No matter that the Soviets haven't been able to subdue a few poorly armed guerrillas in two years, or that our vaunted Rapid Deployment Force is a single marine brigade.)

Such macho swaggering, even when it isn't accompanied by action, poisons the air and makes it difficult to convince other countries we're sincere when we *aren't* threatening to blow them to kingdom come. The Soviets can hardly be faulted if they're suspicious of Reagan's disarmament initiative just a few weeks after Haig talks about exploding a nuclear device to show we mean business in Europe. (And unless they're astonishingly naïve, the Soviets *will* be leery of Reagan's proposal. After all, he's offering to get rid of missiles we don't even have, in return for which the Soviets must get rid of missiles they *do* have.) Similarly, now that Haig has threatened the Nicaraguans with subversion or worse, why should they believe it if someday we extend an olive branch?

Of course, it may not be just macho swaggering—it could be that Reagan plans to back up talk with action in the near future. He's gotten the MX, the B-1, and a newly unleashed CIA. (Besides giving the CIA the authority to spy on American citizens suspected of no crime, Reagan's recent executive order also removes a requirement that CIA officials report any crimes its agents commit. That should come in handy if the agency decides to go back into the business of assassinating foreign leaders.) Despite his repeated promises to the contrary, he has not—at least as of this writing—done away with peacetime draft registration and has appointed a pro-conscription head of Selective Service. And Caspar Weinberger must be planning to use that $1.5 trillion for *something*.

Perhaps the most disturbing thing about the first year of the Reagan administration is the sum of the two parts, domestic and foreign. What Reagan has done is to link, perhaps inextricably, free-market economics with corporate welfare and militarism. *When we say free market*, he's telling the public, *we mean cut off the welfare mothers and the unemployed, and give that money to Boeing and Chrysler. When we say cut government spending, we mean domestic social-service spending. When we say we'll get the government off your back, we don't mean to include the Nicaraguans.* Just as deviously, he threatens to discredit free-market principles by cloaking tax and budget increases in the rhetoric of fiscal conservatism.

That is the real shame of Ronald Reagan, his most fundamental lie. For the free market does not mean attaching big business to a government teat. It means letting the market—that is, people's voluntary choices—determine the direction of the economy, without help or hindrance from the government. It means corporations survive only if people voluntarily support them with purchases. Most of all, it means people are left to live their lives in peace, free from the harassment of tax collectors, morals police, or the U.S. Army.

Much of what Reagan said during his presidential campaign reflected these ideals. Nearly everything he's done since then suggests that he believes in none of them. ❏

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LETTERS

Happy Birthday, Frank

DO YOUR READERS REALIZE that we're only a few weeks away from the centennial of the birth of the greatest president of our time? I would hope that *INQUIRY* would take the lead in organizing appropriate ceremonies for Franklin Delano Roosevelt's birthday on January 30.

Roosevelt came to power in 1933 in the darkest days since 1863. A third of the labor force was unemployed, a third of the nation was ill fed, ill clad, and ill housed. He restored our faith in ourselves, he showed us that the only thing we had to fear was fear itself, and he brought back prosperity and rebuilt the nation into the arsenal of democracy. His service was only beginning. His greatest contribution was yet to come... the leadership of the successful defense of the Free World and the unconditional defeat of Fascist aggression. A world, a prosperous world, a free world at peace, this was his legacy. How can we honor him adequately?

Perhaps *INQUIRY* could sponsor a contest among its readers to design the most appropriate memorial ceremony.

COL. JOHN V. FELS
USAF (Ret.)
Phoenix, Ariz.

We'd be delighted. Our own suggestion would be to bronze the $1 trillion national debt. Surely it would never have been possible without FDR.

—THE EDITORS

Sorry, and thanks

I APPRECIATE LARRY ESTRIDGE'S coverage of my legislation regarding refugees from El Salvador in "Running from the Refugee Police" [Dec. 5 & 21, 1981]. However, his characterization of me as a Republican is incorrect; I am a Democrat.

TED WEISS
Member of Congress
New York

P.S. It was a good article.

Nurses and markets

YOUR EDITORIAL "WAGE wars" [Dec. 7 & 21, 1981] purports to explain why the concept of comparable worth is not needed as a guide for setting salaries, since market wages are determined by a supply and demand process. But you ruin your own argument by choosing the salaries of nurses vs. tree-trimmers or truck drivers to illustrate your point. Where have you been for the past many years? Don't you ever look at the want ads? There is a critical shortage of nurses in this country. Today's *Los Angeles Times* has 125 want ads for nurses, one for a tree-trimmer, and eight for truck drivers. To argue, as your editorial does, that "an oversupply of nurses relative to tree-trimmers" can account for their lower salaries is to stand reason on its head.

The law of supply and demand clearly is not working in the case of nurses, who continue to leave the profession in droves because their education, skills, and ability to shoulder life-and-death responsibility are not regarded as having worth comparable to the work of tree-trimmers. High demand is clearly not producing an adequate supply, much less an oversupply, of nurses.

DAISY LITTLETON
Long Beach, Calif.

The market's response to the apparent nursing shortage would indeed be puzzling if the health care industry was unregulated. In fact, it is one of the most regulated industries in the nation. Not all states – or nations – have shortages of nurses, but tight licensing laws that refuse to recognize education or training obtained in another state often prevent nurses from moving to areas with shortages. Nurses' wages have risen in response to this artificial shortage. (An Illinois hospital we know of pays nurses between $30,000 and $40,000 a year.) But the level to which they can rise is indirectly capped by costly rules imposed on hospitals by government. Other factors holding nurses back include occupational licensing that limits what they may do, and threats of government "cost containment" which act to place a ceiling on their wages.

– THE EDITORS

Cheating the toll collector

I WAS VERY INTERESTED IN "PAY As You Drive," Glenn Garvin's article on turnpikes [Oct. 19, 1981]. He mentions a system that would use radio transmitters to measure motorist use of turnpikes, thereby eliminating tollbooths. I like the idea, but I have three questions about it.

First, wouldn't it be easy for dishonest consumers to duplicate the appropriate radio signals, enabling them to avoid paying their fair share? Second, wouldn't it be expensive to administer an accurate and efficient billing system? I ask this question because we all know how expensive it is for the IRS to collect taxes each year. Third, wouldn't it be difficult to travel from state to state? If every state uses its own frequencies, motorists will have to carry multiple units. If, however, you advocate a federally administered program, how do you feel about it being run by the Federal Highway Administration, a group you don't have much respect for?

If you can satisfactorily answer these questions, you may have something.

WALTER F. THIESSEN, JR.
Monroe, Conn.

GARVIN replies: Of course it would be possible, for someone with the skill and sufficient motivation, to duplicate radio signals. It's also possible to jimmy an electric meter or churn out counterfeit money. But not very many people do it. As for billing, there's no reason that it should be more difficult —or expensive —than a telephone company's billing for long-distance calls, which costs about twenty-five cents per bill. And a motorist who traveled from state to state, or city to city, without intending to stay very long, would be allowed to buy a flat-fee windshield sticker allowing unlimited use of the roads in that area for a short period of time — a day, or perhaps a week. These stickers would also be available for people who didn't drive very often, like the proverbial little old lady from Pasadena who only goes out on Sunday afternoon.

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NAT HENTOFF

Journalists with glass jaws

A FEARLESS INVESTIGATIVE reporter stalked out of a New York screening of *Absence of Malice* — the Paul Newman–Sally Field movie about journalistic malpractice — roaring, "This is a direct attack on the First Amendment!" And Victor Navasky, editor of the *Nation,* told me gravely that "the First Amendment is the villain of this movie. The message is that the press, which is the cause of all our troubles, hides behind the First Amendment whenever it gets criticized. And for this movie to come out now is especially bad timing."

Their fear—and these two are hardly the only journalists hostile to the movie —is that these are bad enough times for the press without also having box-office luminaries like Paul Newman and Sally Field creating more distrust of the ultimate bulwark of our liberties.

Well, these aren't good times, as evidenced by the House of Representatives voting 354 to 56 for the Intelligence Identities Protection Act, which criminalizes, for the first time, the printing of information from the public domain. ["A herd of independent minds," *INQUIRY*, Nov. 23, 1981.] And the Freedom of Information Act is likely to be badly battered by the time this session of Congress ends. Moreover, according to a recent Gallup survey, 67 percent of the citizenry feels there should be more legal restrictions on the press — despite the public's "right to know."

Still, it is somewhat embarrassing — or should be — for journalists to attack other people in the expression business for being destructive in their timing. That's usually the government's line against the *press* — from the Pentagon Papers to the *Progressive*'s attempt to print an article on the making of an H-bomb. Indeed, if you tell an editor or reporter to wait for a more propitious time to print or broadcast anything, he will smite you out of the way with the First Amendment.

Aside from its timing, *Absence of Malice* has enraged journalists across the land because, they say, it willfully ignores the way newspapers actually work and tries to make aberrant and stupid behavior appear to be representative of the profession. Furthermore, it shows reporters as callous invaders of privacy, destroyers of lives. All in all, a classic, vicious case of what used to be called group defamation.

In a remarkable burst of ecumenical indignation, this movie has been rebuked and scorned in the *New York Times* and the *Village Voice,* the *Columbia Journalism Review* and the *New York Daily News,* and most points in between. In the newsrooms I know, Lou Grant and his bunch of earnest, honorable, trustworthy, brave, loyal Little Leaguers have never been more honored than at this hour.

SO WHAT ARE THE TERRIBLE things *Absence of Malice* is saying about the press? It is not within my province to discuss the movie in, as they say, cinematic terms — the quality of the acting, directing, camera work, or editing. But in what it reveals about how the press — not always, but often — actually functions, the movie does tell more about how you get your daily information, and misinformation, than any film I have ever seen.

As the film begins, the shrewd, Vince Lombardi–style head of a federal organized-crime strike force, investigating the disappearance (and presumed murder) of a labor leader, leaks the file on a suspect to a reporter on a large Miami daily. Actually, the strike-force chief doesn't think the suspect (Paul Newman) really is a suspect. But, though Newman himself is clean, he does have mob ties through his family; and the man from the strike force wants to "squeeze" Newman through this decidedly injurious publicity to get him to feed the government some family information.

The reporter (Sally Field) and her city editor have no qualms about running the story, even though she makes no attempt to check it out further. This could not have happened, say prides of journalists throughout the country. Nothing would have run until the story had been verified from divers sources and the subject of the file had himself been contacted.

In real life, however, law-enforcement leaks often do run raw. As Jack Landau, head of the Reporters Committee for Freedom of the Press, notes: "It happens every day all over the country — *Grand Jury Investigates X, Police Department Investigates Y, Sheriff's Office Investigates Z.* And most of the time, at that point there's no real probable cause to connect the subject of the investigation with a crime."

But the press prints the stories anyway. Should they not? They have the First Amendment right to do what they like. If I were an editor, however, I would wait until there was an indictment. And I probably wouldn't have much circulation. The First Amendment aside, the point is that in printing such stories, the press is often being manipulated. As in *Absence of Malice,* the prosecutor may want to squeeze the suspect or an accomplice or someone else whom the publicity will scare forward.

As for strike forces, the Abscam story was leaked by the government in a precisely coordinated move. Why? For one thing, to create a climate so contemptuous of the public officials caught in the net that it would be exceedingly hard to select impartial juries. The strategy worked. And the press — including all the television networks, wire services, and dailies, among them the *New York Times* — let itself be so used. On D-day, there was no independent "verification" of the facts by any reporter. They all ran with the strike-force leaks.

In New York some years ago, special prosecutor Maurice Nadjari leaked to reporters of the more influential papers certain grand-jury proceedings. And they printed what they got. One unfortunate judge wound up on the front page of the *New York Times* as a suspect in a bribery case because of a Nadjari leak to reporters from a grand-jury session. A year later, when the judge was wholly exonerated, the *Times* gave him an inch of type deep inside the paper.

Yet the *New York Times* reviewer of *Ab-*

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sence of Malice chides the reporter in the film for "neglecting to check her story." If the real-life *Times* reporter who swallowed the Nadjari leak had bothered to do the most minimal checking, he would have found out that there was no way the hapless judge could have been involved in any bribery connected with the case at issue because he had never had the case before him. The special prosecutor had believed the court calendar, which did list this particular judge as hearing that case. But the assignment had been changed.

In another assault on the movie in the *New York Daily News,* staff reporter Marcia Kramer wrote that if Sally Field had spent a week with her, a real pro journalist, Field "would have balked at portraying a character so naïve."

The same Marcia Kramer, in the aftermath of the Brink's murders for which members of the Weather Underground and others have been indicted, wrote in her paper that "Cuban intelligence agents, posing as United Nations diplomats here, have maintained regular contact with Weather Underground members. The members have gone to Cuba for training, and have checked in regularly with the DGI [Cuban intelligence]. In fact, a few years ago, one cell of Weather Underground was criticized by DGI for talking too much and not taking bold enough action."

A hell of a story. But where's the verification? The only basis Kramer showed for that stunner was "Washington FBI sources." Indeed, in New York as well as in Washington during this same period, the FBI was handing out tantalizing "information" of this kind to any reporter gullible enough to believe it on no more grounds than the FBI's say-so. A good many journalists were that gullible — or naïve, if you prefer. What was the FBI's motivation? During these October weeks, the FBI was vigorously trying to convince Congress to keep the CIA out of its domestic turf. So it was very much in the interest of the FBI to demonstrate, through the press, that it was pervasively knowledgeable about all terrorist groups in the United States and their foreign links. Let the CIA keep busy abroad, and let the FBI — contrary to a proposed presidential order — retain its monopoly on infiltrating and otherwise spying on domestic organizations. The press was glad to help.

Another illustration of how scrupulously the authentic press checks out its sources has to do with Cynthia Boston of the Republic of New Afrika. When she was arrested in Mississippi by a bristling army of assorted agents as a suspect in the Brink's murders, the *New York Daily News* reported that she and her group had spent the past decade "in almost complete silence and secrecy, teaching techniques of terrorism to perhaps hundreds of underground radicals."

Another extraordinary, not to say frightening, story. I called the reporter and asked if he had anything more. There was a pause. "You notice," he said, clearly uncomfortable, that "I didn't use that business about teaching terror as a lead." Where had he gotten the information? From a colleague, I was told. I asked the colleague who *his* source had been. Another shuffling pause. Well, it had come from an FBI agent who didn't want to be quoted and who was vague about the whole thing.

That story was printed on page 3. The charges against Cynthia Boston were later dismissed. The FBI had bagged the wrong woman. And there was no further reference in any news pages to her organization's secret teaching of terror techniques to radicals.

In unwitting parody of the way many newsmen swallowed whatever men with badges gave them about the resurgence of native terrorists, a *Washington Post* reporter noted briskly that there had been a formal fusion of the Weather Underground and the Black Liberation Army. What was her source? "... undisclosed 'intelligence information' has led investigators to believe ... " Yet journalists are deeply offended that in a movie about the press a reporter would take an organized-crime strike force file on a suspect and print it without independently verifying whether the poor soul ought to be a suspect.

Another cause of aggrieved complaint about *Absence of Malice* is a section in which a Catholic woman, a friend of the suspect, comes to the reporter in an attempt to persuade her that the suspect is innocent. How does the woman know? Under prodding, she reveals that when the labor leader disappeared, she and the suspect were out of state while she was having an abortion. He had come with her because he was her oldest friend. (There had never been a physical relationship between them.) She begs the reporter not to print her name because of what the news would do to her family (and presumably to her colleagues in the girls' parochial school where she works as an administrative assistant).

Nonetheless, Sally Field goes ahead and runs the story, including the name of the woman, who promptly commits suicide. Cold, brutal invasion of privacy — according to the chorus of press complainants against *Absence of Malice.* A truly professional reporter, they say, would never take advantage of so distraught a lay person. As it happens, I wouldn't have run the name myself because the alibi, even if it checked out, doesn't mean anything. As the city editor in the movie says, if the suspect were involved in the disappearance and probable murder, the smartest place he could have been when it took place was out of town. The professional reporters have somehow missed that point. But if it *were* a relevant story, I wouldn't have run the name, for reasons of privacy, and would have explained why, while giving the essence of the story. If the readers believe the paper, they don't need the name. If they don't believe the paper, they won't believe the story anyway.

The point in *Absence of Malice,* however, is that Sally Field acted just as most reporters would. First, during their conversation, she twice reminded the woman that she was talking to a reporter and that no guarantees of anonymity could be made. Actually, in that respect, she did more by way of warning than many reporters would have. Second, her printing the name is hardly unusual press behavior. Very few editors and reporters have any discernible concern about the privacy of those newsworthy enough to appear in the paper. Except when the paper's lawyer tells them they might be open to a lawsuit.

Kurt Luedtke, who wrote the screenplay for *Absence of Malice,* is a former reporter who became executive editor of the *Detroit Free Press* before leaving journalism. He tells a story about newspapers and privacy:

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I was a cub reporter for the *Miami Herald*. The desk told me to write a short piece from something the police beat called in. The wife of a University of Miami professor had been arrested in a campus bar for soliciting. That was 1963 and it was a morals charge. It wasn't a very big story, just a couple of paragraphs. A day or so later, someone who was either a relative or friend of the family called. She said: "We'd like you to know what has happened in this family as a result of what you wrote. The woman was not soliciting for prostitution. She has been under psychiatric treatment for eighteen months and she wandered out of the house and ended up in a bar.

"She became involved in a conversation which took a certain turn because it was instigated by a vice cop who was working the bar and steering the conversation. So she got busted but it will never go to trial. Meanwhile, the professor was up for tenure and now he won't get it because of the notoriety" ... The person who called said, "That's what you did; you people shouldn't do stuff like that." That may have been the first time I ever asked myself what category of information belongs in the newspaper and what doesn't.

As a journalist for some thirty-six years, I have seldom heard reporters and editors ask themselves that question, either in the days of old or the days of now. And I suspect that the reason many folks in our craft are so disturbed by the privacy aspect of the movie is that they much prefer to avoid the question of what belongs in the newspaper and what doesn't. It's so much easier to proceed on automatic pilot: The First Amendment allows us to print anything we can get.

What does Luedtke want *Absence of Malice* to accomplish, aside from making money for everyone concerned? He hopes, he tells me, that maybe journalists who see it "will worry a little about what happens when the process goes wrong. And if we worry about it and talk about it, maybe things will get a little bit better."

A modest enough hope, but so far, the profession is primarily worrying about whether *Absence of Malice* will do it any harm in these bad times — not about what harm *it* may be doing, fully within its First Amendment rights. And the profession is also worrying that the libel lawyer in the movie may be giving the populace the wrong impression when he says to the reporter: "What I am telling you, madam, is that as a matter of law, the truth of your story is irrelevant. We have no knowledge the story is false, therefore we are absent malice."

Therefore, we cannot get sued. Therefore, the First Amendment is served. And that's true. But is it enough?

POLITICS

MARY MEEHAN

Dear Ronnie...

M E M O

Date: January 1982
To: The Honorable Ronald Reagan
From: Mary Meehan
Subject: YOU HAVEN'T BLOWN IT COMPLETELY, BUT...

ABOUT THIS TIME LAST YEAR, you may recall, I sent you a memo suggesting a repeal session of Congress to cut the government down to size. For reasons that undoubtedly seemed good and sufficient to you, you rejected that advice. And look where we are now:

- The government is as big as it ever was.
- The military portion of it is growing by leaps and bounds.
- The federal debt, for the first time ever, is over $1 *trillion*.
- In this fiscal year, the government will pay over $100 billion just in interest on the debt.
- The Department of Education is still there.
- The Department of Energy is still there.
- And the Federal Election Commission is still there. Not to mention the CPSC, FCC, FTC, ICC, SEC, and the other noodles in the alphabet soup.

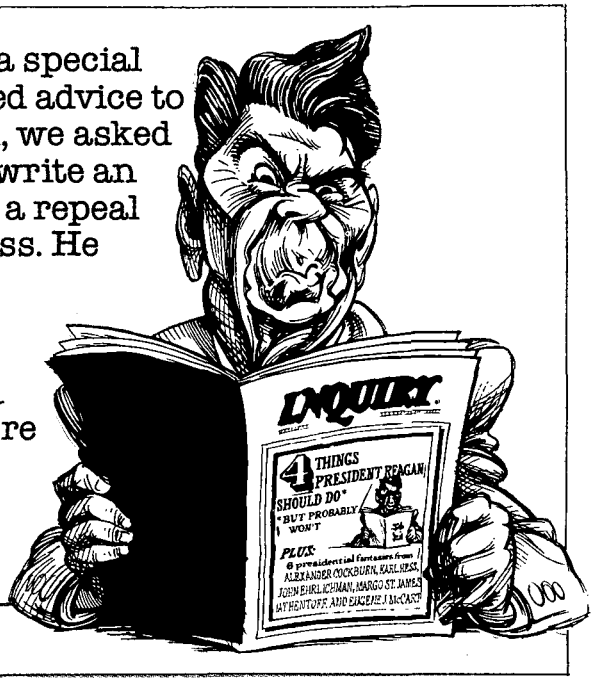
Oh, you have done some cutting here, trimming there, a little paring almost everywhere; but the basic structure is pretty much the same as ever.

Your guys (*why* are they all guys?) have done a terrific selling job on the "Reagan Revolution." But when people take the time to look at the grubby facts, they find that: (a) despite all of your good intentions, government spending in your first year of office was higher than in Jimmy Carter's last; and (b) instead of cutting the budget, all you have really done is to transfer money from the people side to the military side.

A lot of observers, some rejoicing and others weeping, claim that you have changed the general thrust of the New Deal, Fair Deal, New Frontier, and Great Society. Actually, high military spending was a key feature of the vari-

MARY MEEHAN is a political writer who lives in Washington, D.C.

One year ago, for a special issue of unsolicited advice to President Reagan, we asked Mary Meehan to write an article calling for a repeal session of Congress. He didn't take her suggestion—and look what a mess the economy is in now. To prove we're not sore we've decided to give him another chance.


INQUIRY
4 THINGS PRESIDENT REAGAN SHOULD DO* *BUT PROBABLY WON'T
PLUS:
6 presidential fantasies from ALEXANDER COCKBURN, KARL HESS, JOHN EHRLICHMAN, MARGO ST. JAMES, NAT HENTOFF, AND EUGENE J. McCARTHY

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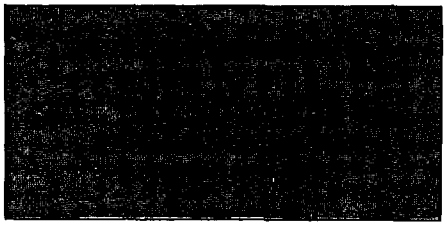
ous Deals and Frontiers and Societies—which is one reason why we're in the economic mess that we're in today. And you really have not cut back social programs and government regulation as much as many people think. (In fact, social services and welfare programs make up a much higher percentage of your budget than they did of President Kennedy's last one.) You were a good 1940s kind of Democrat, and in many ways you still are.

But, as I say, your PR has been terrific. You are the first president in years whom many Americans can bear to watch on television. While you do have your own positive appeal, one of your greatest strengths is simply that you are *not* Jimmy Carter. Or Gerald Ford. Or Richard Nixon. (Perhaps you realize this; perhaps this is why you sent the three ex-presidents to the Sadat funeral. Lest we forget.)

Great PR cannot, however, get you through the next three years of your administration. Nor can the simple fact that you are not any of your recent predecessors, much as we appreciate that. Specific progress is needed. So, undeterred by your rejection of last year's memo, I'm back to offer more suggestions.



In the move to reduce the size of government, your rhetoric is good, David Stockman's efforts are often heroic, but the results are disappointing.

This is partly because your actions do not always match your rhetoric. For example, during the 1980 campaign you called for abolition of the Departments of Energy and Education. Why didn't you decline to appoint heads of those departments when you named the rest of the cabinet? You could have sent repeal legislation to Congress. Instead, you appointed two men to plan their own funerals. You should not be surprised that they found more cheerful work to do.

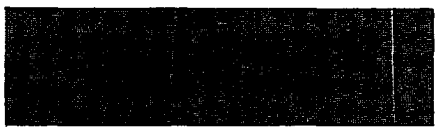
Last September, the *Washington Post* reported that Energy Secretary James Edwards and his assistants "have just begun a study of how the department should be dismantled and where the programs that will survive should be placed." Unfortunately, Edwards had already concluded that the worst part of the department, the nuclear-weapons part, should survive. He remarked that it is "too important to leave in the hands of the admirals and generals"; lots of us think it is too dangerous to leave in the hands of anyone. Edwards said that he was leaning toward establishment of a separate agency to handle all nuclear matters. So we may be back where we started when the nuclear age began — with something like the old Atomic Energy Commission, a captive of the nuclear industry, the admirals, and the generals.

If you want to make real strides in cutting back government, you should borrow an idea from District of Columbia Mayor Marion Barry. Faced with a budget out of balance, Mayor Barry decided to sell some District property—old schools, police precinct stations, firehouses, and such — in an effort to save the budget. At this writing, because of a Washington real-estate slump, he has not been able to sell all the buildings. But he has sold several and hopes to unload the rest.

The District property was considered surplus; most of it was either vacant or used on a temporary basis. But you could adapt the Barry idea to deal with Energy, Education, and other government agencies we could do without. Just announce a sale date for their buildings and tell them that they will have to do their business from public parks if they have not closed down by the time of sale.

I have a vision of the Energy folks carting their file cabinets and desks out to the Capitol Hill parks near one of their present buildings. The words "congressional oversight" would take on new meaning with the bureaucrats parked right on the congressional lawn. But deputy-assistant-secretaries might get a little chilly out there in February and March, and decide to look for other jobs.

Some people would think you an old meanie for pursuing such a drastic remedy. But you and Nancy could soften the criticism by driving a coffee wagon out to the parks on the coldest days, to cheer the troops on — or, better yet, to offer them rides to the nearest employment agencies.



I realize that you don't deserve all of the blame for the tax bill passed by Congress last August. But you started it, and you signed it, so you must take major responsibility.

First of all, while taxpayers have learned to be grateful for small favors, they will be lucky if the tax "cuts" keep ahead of inflation over the next three years. And since social security taxes are rising as income taxes decline, some people may even be worse off than before. Second, the working poor and the moderate-income folks who desperately need tax relief are not getting nearly as much as the wealthy. The exclusion for dividend income, for example, does not help parents who can scarcely buy shoes for their children. (Do you realize what shoes *cost* now, and how fast kids grow out of them? Inflation has even affected the thrift stores, where prices of second-hand clothes are rising.)

The failure to give more tax relief to the working poor aggravates a problem of your budget cutting: Some of it perversely encourages low-income workers to give up their jobs and rely on welfare alone. There are millions of poor people in this country who prefer work to welfare, but you are making the choice very difficult for them.

A more successful approach, both politically and economically, would be to give the largest percentage cuts to the lowest income brackets — and flat-out abolish the income tax for anyone making less than $7500. I'm talking about drastic cuts here, say 85 to 90 percent for a single person earning $10,000. (I'm not suggesting you slight the high- and middle-income people, either, although slashing their taxes that greatly would be politically impracticable for the moment.) This plan would give people with low to moderate income a stake in the private economy that they just don't have right now. And it would deflect criticism of large tax cuts for wealthy folks, which would vastly increase savings and investment. (One catch: To pull this off without totally bankrupting us, you have to put some sacred cows out to pasture. You could start with the Trident submarine, and then go on to the B-1 bomber, dairy subsidies, and the space program.)

Third, the new tax bill managed to make the Internal Revenue Code even more complicated than it was before—a feat some people scarcely thought possible. Neither your administration nor Congress could resist the temptation of social engineering, using the old carrot-and-stick approach. You didn't worry about adding many sticks this

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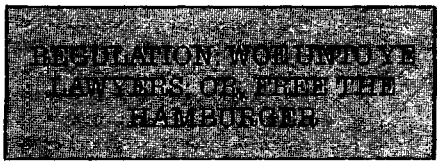
time; there were quite enough in the code already, thank you. But you added lots of carrots.

Instead of making larger rate reductions, you and Congress added all kinds of incentives for people to do certain things that you think they should do. Thus you provided for accelerated depreciation of office and plant machinery. On the surface, this sounds like a great idea: Increase investment to increase jobs. But often it does not work this way; instead, it encourages businesses to automate, replacing workers with machines. (General Electric, for example, is a leader in automation and robots. Between this and its work on the Mark 12A nuclear warhead, GE is proving remarkably adept at getting rid of people.) Automation adds to the unemployment problem, which in turn adds to pressures for government spending. On the other hand, across-the-board reductions in corporate taxes encourage business to spend money in the most productive way — and this does not necessarily mean replacing people with machines. The problem with special deductions, credits, and exclusions is that they nearly always distort the economy. People plan their entire lives according to the tax code, and this results in decisions that are often bad for them as well as the economy.

This social engineering is also too Pavlovian for what is supposed to be a free country. Ivan Pavlov had dogs conditioned to salivate at the sound of a bell, and you have taxpayers conditioned to salivate at the sound of "deduction" or "credit." At least, this is the way it has worked in the past. But there are now so many carrots and sticks that taxpayers are beginning to resemble, rather than dogs, a herd of poor mules who are overburdened and confused by their driver's signals. Instead of responding to either carrots or sticks, they finally refuse to budge at all.

If you would place more trust in the intelligence of the taxpayers, you would find that no-strings-attached tax cuts would result in their doing many good things. Like buying shoes for their kids, for example. And investing in business, including the labor-intensive kind.



Our text here is from the Gospel according to Luke, chapter 11, verse 46: "Woe unto you also, ye lawyers, for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers."

Now I realize, Mr. President, that you are not a lawyer. (Bless you.) But there are many lawyers still loose in the government, still lading men and women with burdens grievous to be borne. You will find them in every nook and cranny, but especially in what are called the regulatory agencies. Nearly every government agency is regulating something these days, but the term "regulatory agency" is reserved for the worst — the ones that spend all their time telling us how to run our lives.

Last June, your administration claimed that it had halved the pace of rule making. (This apparently does not mean a real cut, just a cut in the growth rate.) But what, I ask, does this mean for the humble hamburger? A couple of years ago, *U.S. News & World Report* summarized a Colorado State University study reporting that the hamburger and its immediate family (the bun, ketchup, pickle, etc.) were then subject to "41,000 federal and state regulations, many of those stemming from 200 laws and 111,000 precedent-setting court cases." What, if anything, has your administration done to free the hamburger?

Perhaps we should again be grateful for small favors. You could have chosen an MX missile plan much worse than the one you finally settled on. But you also could have solved the problem of the "vulnerable" land-based missiles by getting rid of the damned things altogether. Distinguished scientists suggested this answer some years ago.

Your folks generally are going bananas with the military budget and with military sales all over the world. A lot of the fierce debate over the AWACS sale to Saudi Arabia missed an important point. We shouldn't be selling AWACS to the Saudis, but we also shouldn't be selling weapons to *anyone* in the Middle East. The last thing anyone there needs is more guns and bombs. The Arabs and Israelis, unfortunately, already have enough weapons to last for several more wars. You did not start the merchant-of-death routine over there, but you could do much to stop it, and anyone who does that deserves the Nobel Peace Prize.

In the field of nuclear weapons, the most optimistic forecast that can be made is that the United States and the Soviet Union will not fight a nuclear war, but that both their economies will be wrecked by preparations for it. This, of course, is the weakest part of Reaganomics: It ignores both the inflationary impact of military spending and also the crushing tax burden this spending places on the American people.

The most pessimistic forecast is that both the United States and the USSR will let loose with everything they have and that there won't be much left after that. Recently some pacifist friends of mine were on trial in Washington, facing charges stemming from a protest against nuclear weapons at the White House last spring. On cross-examination, one of the defendants asked a White House sergeant what his major responsibility was. Protection of the President, the sergeant responded. Next question: How would you protect the President in a nuclear war? This didn't strike the judge as a pertinent question.

Actually, there are lots of plans to protect you in the last days. There are underground shelters and, best of all, the "Doomsday Plane," the special Boeing 747 "command post" that stands on alert at Andrews Air Force Base to whisk you away before the big bombs fall. The theory seems to be that you have to be up there to direct our side of the war. I have no idea where you could safely land after all the buttons have been pushed. But I know that you recently made a dry run on the Doomsday Plane, as Jimmy Carter did before you. This may have reassured you, but not the rest of us.

If the likely consequences of your nuclear policy do not bother you in a personal way, then I hope you will think about the children. Last fall, forty kids delivered to the White House nearly 3000 letters from children around the country, protesting the nuclear arms race. They had hoped you would come out to receive the letters, but you didn't. "You older people have already lived most of your life," one of the kids wrote, "and us younger people would like to have a chance to live ours." Another said, "No matter what country started a nuclear war, our whole world could go out like a light bulb, and there would be no one to turn it on."

The kids aren't asking much. You have lived to three-score-and-ten, a full and happy life; they deserve the same. ❏

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Ozzie Myers couldn't understand why people were making such a fuss about Abscam. To the man who sold his services to the corrupt Philadelphia political machine for so many years, taking bribes came as second nature.

by Murray Waas

BRUCE MCGILLIVRAY

"I'M GONNA TELL YOU SOMETHING REAL simple and short," said Representative Michael "Ozzie" Myers to an undercover FBI agent on August 22, 1979. "Money talks in this business and bullshit walks. And it works the same way in Washington."

It was the wrong thing to say to an FBI agent. A year later, a jury in Brooklyn convicted Myers of accepting a $50,000 bribe from Bureau agents posing as representatives of a wealthy Arab sheik. (Eventually five other congressmen and a senator were also convicted of taking bribes during the Abscam operation.) The evidence made public at Myers's trial was overwhelming. FBI videotapes showed him accepting the cash from an undercover agent. Other videotapes showed Myers boasting about the influence he would wield on the sheik's behalf, describing his close relationship with organized-crime figures, and soliciting $85,000 more from an FBI man. One month after his conviction, Myers became the first man in more than a century to be expelled from the House of Representatives, ousted by an overwhelming vote of 376 to 30.

Since the FBI operation was first made public in early 1980, critics of Abscam have defended Myers and his fellows as innocent victims of federal entrapment, lured into guilty acts by financial enticements, alcohol, and personal loyalties. But Myers, for one, never fit that wishful description. He was never an innocent, and the story of his conduct is more than a story about Abscam. It is also a story about an apparent kickback scheme, about manipulating testimony at the murder trial of a friend, and about "ghost employees" who received salaries from the government for work they never performed. This is the story of politics-as-usual in Philadelphia and Washington, D.C.

Life wasn't always so complicated for Ozzie Myers. He was born in a tough Irish neighborhood near the south Philadelphia waterfront, son of a longshoreman who fathered seven other children. His mother was a Sullivan, a family prominent in south Philadelphia politics, and a rough bunch that nobody with a sense of self-preservation messed with — especially not blacks, who were then beginning to supplant the traditional Irish, Italian, and Jewish

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THE RISE AND FALL

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populations. In later years, Myers's favorite watering hole would be the Sullivans' Candy Cane Lounge, an institution he is widely (though wrongly) said to have memorialized on his arm with a prominent tattoo of a woman straddling a candy cane and wearing a top hat.

Myers never got much schooling — he dropped out after only nine years — but it left its stamp on his name. He picked up the nickname Ozzie in the second grade. "Remember little Oscar Mayer of the Oscar Mayer wieners meat products?" Myers once recalled in an interview. "Well, when I was a kid . . . little Oscar himself, he was a midget, used to come around recreation centers and he'd toss out little sample packs of hot dogs. . . . Well, he was so small, and I was so small, I was a tiny kid . . . maybe the second or third smallest kid in the room, always kind of small as far as height. The kids, because of Oscar Mayer and of course my last name being almost the same, and me being so small, they called me Oscar Mayers, so Oscar Mayers went to Ozzie." It was a name that would stick. Years later, even the Abscam indictments, and a host of newspaper accounts, would misprint his name as "Michael O. Myers."

Myers grew up a regular guy. He followed his father's footsteps and went to work on the waterfront, cleaning ships and hauling loads. He is still a member of the International Longshoremen's Association. "That port's been good to us," Myers admitted a few years ago. "We made a lotta money down there, put a lotta kids through school, kept a lotta families together. Them docks been real good to us. My father raised eight kids and just retired after forty years on the port." But with no special skills behind him, it seemed that Ozzie's horizons would never extend much beyond his father's. He saved up enough money to get married and buy a small row house just two blocks from home. He liked to drink beers with the guys and join them in a game of darts. He boxed a bit and played baseball. Later, as a congressman, he joined the now-defunct Blue Collar Caucus along with a former house painter, a carpet cutter, and a one-time Mississippi riverboat pilot. The caucus was mostly a political stunt to win the congressmen favorable publicity for their humble origins. But even after Abscam, many people in south Philadelphia would remember Myers as one of their own.

NONETHELESS, THERE WAS SOMETHING about Myers that distinguished him from his buddies on the waterfront. He was a natural leader, better liked than most men, and cunning if not too brainy. (Myers is still defensive about his intelligence. "I don't think I am a dummy," he said a couple of years ago. "Some of the brightest people in this town come to me many times for advice on many things. . . . You don't read that anywhere. But it happens.")

He was twenty-one years old when he first discovered politics. The Democratic ward leader in his neighborhood asked him to hand out leaflets at a polling place on election day. Jumping at the chance for advancement, he worked hard and eventually ran for the post of Democratic committeeman in his neighborhood. Eventually he became a ward leader himself.

In 1970, at the age of twenty-seven, Myers was rewarded for his hard work by Philadelphia's Democratic party bosses. They needed a candidate to run against an incumbent Republican state legislator from Myers's district. "Ozzie was really what you might call a 'throwaway candidate,'" remembers one local Democratic party official. "Nobody really wanted the job of running against a well-entrenched Republican incumbent. So they gave Ozzie a shot." According to legend, the Democratic bosses had made a deal with the incumbent to fix the election on the Republican's behalf. But Democrat Milton Shapp's landslide victory in the gubernatorial race swept Myers into office on his coattails — by all of 265 votes. Even then, Myers won only after a recount, ordered following charges of vote fraud.

As a member of the state legislature, Myers obediently followed the orders of his political mentor, State Senate Majority Leader Henry (Buddy) Cianfrani, also of south Philadelphia. In 1977 Cianfrani would plead guilty to 104 counts of bribery, obstruction of justice, racketeering, mail fraud, and putting ghost employees on the public payroll. But for most of the 1970s, Cianfrani was unchallengeable, perhaps the most powerful politician in the state of Pennsylvania.

In 1975, for example, Cianfrani came under investigation by Special Pennsylvania State Prosecutor Walter Philips for many of the same crimes he would be convicted of three years later by the U.S. Department of Justice. Cianfrani was only momentarily distressed by the special prosecutor's investigation; as state senate majority leader, he used his influence to cut off funding to the special prosecutor's office. When the federal Law Enforcement Assistance Administration attempted to provide a $1 million grant to help that office continue its investigation, then-State Representative Michael Myers successfully sued in court to disallow the LEAA funding. Cianfrani would be safe from prosecution until nearly three years later, when the U.S. attorney brought indictments against the south Philadelphia boss.

In 1976 Myers repeated his luck of six years earlier. In April a series of unlikely occurrences boosted him from the state legislature to the U.S. Congress. South Philadelphia's congressman, seventy-nine-year-old William Barrett, had just won his most impressive election victory, taking the Democratic primary by a 4-to-1 margin over his closest opponent. It was an impressive showing indeed, considering that Barrett had died two weeks earlier.

Barrett, a twenty-nine-year veteran of the House, was one of the most popular congressmen in Philadelphia's history. National and international problems took second place to his constituents' concerns. Only rarely did he ever spend a night in Washington. Barrett would leave the Capitol early in the day and arrive in Philadelphia shortly after dinner time. There he would meet with constituents in his south Philadelphia office to discuss their problems.

"He would sit every night from seven or eight o'clock until midnight and nobody was denied access to him," Philadelphia attorney Howard Criden told undercover FBI agent Michael Wald during one Abscam session. "If the lowest Puerto Rican or a black guy that dug a trench wanted to see Barrett, he got in to see Barrett. He went in . . . and he would sit till the last guy was sitting in the outer office. . . . No matter if he had talked to the President of the United States a

OF A WARD HACK

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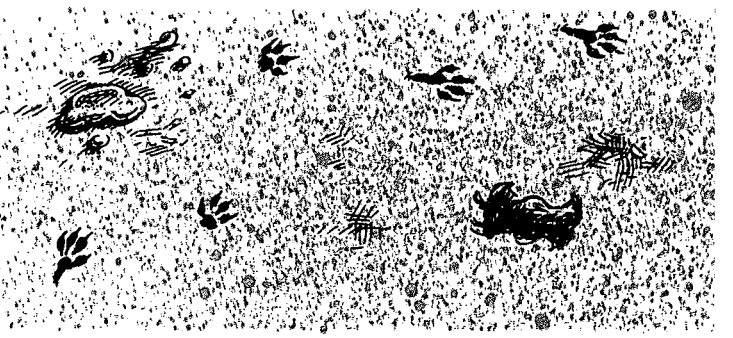
minute before, he would still see the littlest guy. . . . You could have run the Ayatollah against him in Iran and this mother would have won. Nobody ran against him."

Barrett was named "one of the ten dumbest members of Congress" by *New Times* magazine a year before he died. But his constituents loved him so much that he could still win an election even while dead and buried.

After Barrett's primary victory, the Philadelphia City Democratic Committee, the party bosses, met to select a successor to the deceased congressman. Myers was the man they chose. As Buddy Cianfrani later explained the decision, "I wanted to keep the seat vacant, and Ozzie was the next best thing."

Myers later told *Philadelphia Inquirer* reporter Paul Critchlow how he learned that he was the lucky candidate:

'I wanted to keep the seat vacant,' Cianfrani explained, 'and Ozzie was the next best thing.'



"Are you with me for Congress?" Cianfrani supposedly asked Myers.

"I'm with you," Myers replied.

"Well, if I didn't want it," Cianfrani asked, "are you with the guy I picked?"

"I am if he's a ward leader and not some off-the-wall guy from Detroit with lots of money or something," Myers replied.

"Well," said Cianfrani, "I think you'll agree with my choice — because it's you."

Cianfrani's endorsement sewed up the election, and for four sweet years Representative Myers lived high. His $57,500 salary and $250,000 expense allowance supported a new summer home, two big cars, and other luxuries unknown to him in Philadelphia. Myers had gotten there by being faithful to the dictates of Cianfrani and the city machine run by Philadelphia Mayor Frank Rizzo, the tough ex-cop who railed against street crime while turning a blind eye to crime in the suites. Myers wasn't about to switch loyalties this late in the game. "I take people as they treat me," he explained after being elected. "Take Mayor Rizzo, for example. He is my good friend, and has been great to me, and without him I probably wouldn't be in Congress right now. He has never failed me on anything, and I will never fail him."

Myers, in short, was part of a machine that put Pennsylvania on top of the Justice Department problem list as the "most corrupt state" in the union. Between 1970 and 1978, 238 public officials, including a congressman, speaker of the house, three members of the governor's cabinet, and seven police chiefs, were convicted or admitted their guilt. Myers would join their ranks in 1980 with his Abscam conviction. But long before that, Myers had proven himself no stranger to the courtroom.

ALMOST A DECADE EARLIER, IN FACT, Myers had to explain in court how it was that his unregistered gun came to be used in a murder committed by his cousin, Michael Sullivan. The trial went largely unnoticed; Myers was then only a first-term Pennsylvania state representative, not yet the nationally prominent congressman made notorious by hidden FBI cameras. But the reporters should have been there. A new investigation of the case has turned up substantial evidence that Myers may have twisted his testimony during the trial to help his cousin. Moreover, several attorneys and investigators involved in the trial agreed in recent interviews that Myers's testimony was the key to Sullivan's conviction on the lesser charge of manslaughter, instead of murder. Voluntary manslaughter carries a maximum prison term of ten years, whereas murder is punishable by life.

Sullivan, who is Myers's closest friend, was indicted for murder and firearms violations in early April 1972. He was accused of shooting and killing a laborer in Chester, Pennsylvania, on December 8, 1970. He already had a record of fourteen arrests for everything from sex crimes to robbery.

Sullivan was returning to work from lunch with another worker, James Rodgers, when they saw two black nonunion workers operating an air compressor with the name "Reily" printed on it. Reily was a contractor who had agreed to allow only union men to operate his equipment. Sullivan and Rodgers were members of Local 542 of the International Union of Operating Engineers, which had a contract with Reily.

Sullivan stopped his car and Rodgers got out to confront the foreman of the workers. Rodgers told the foreman, according to the testimony of an eyewitness, "if he didn't shut up, he would be carried out of there in a pine box."

Rodgers testified that the foreman told him the air compressor was not owned by Reily, but had been purchased from the contractor by another company that the men worked for. Satisfied, Rodgers got back into the car.

It was at that point, Rodgers said, that Michael Sullivan pointed a gun out of the window of the car and shot one of the workers, Wendell Simmons. Within minutes, Simmons was dead. An autopsy showed that he drowned in his own blood.

A detective who worked on the investigation of the Simmons case called it "a racial killing." "All the workers were black," the detective said in an interview. "It was really nothing more than a couple of tough union guys trying to have some fun by harassing some black people." In fact, the union has had a long history of racism. In 1971 a federal judge had to enjoin members of the union local from committing acts of racial violence, yet only days later members of Local 542 savagely beat a black member of the union, who spent

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several months in the hospital with a skull fracture.

Sullivan, testifying in his own defense, said he fired only after Simmons threatened him and walked toward the car brandishing a long hammer. "I'm trying to start the car and he grabbed this B&O and come moving towards the car with it and I can't start the car.... I'm scared to death," Sullivan told the court.

"I don't know what to do. I am scared to death and I just happen to remember in my mind there is a pistol in the console of this car.... So I grabbed that, and I said, 'If you come any closer, I'll shoot you'... I figured if he sees this gun he is going to be scared and put the thing down. I told him, 'I'll shoot,' and he said, 'Well, you're going to have to shoot me.'" Sullivan pulled the trigger.

Five of six eyewitnesses to the shooting who testified at the trial refuted Sullivan's claim that Simmons was moving toward him with a weapon. They testified that Simmons was working and minding his own business when Sullivan fired. The sixth witness, Sullivan's friend, James Rodgers, testified that he did not see the incident.

James Walton, one of the workers who witnessed the shooting, testified that Sullivan looked out of his car window and said to Simmons, "What have you got to say?"

"What do you want me to say?" Walton quoted Simmons as replying. Then, Walton testified, "There wasn't nothing happened for a hesitation, and then Sullivan said, 'Well, I'll just shoot you.' And then he shot him."

Sullivan did have one supportive witness at his trial, however. Sullivan told the court that the gun he fired was left in his car by a "friend," State Representative Michael Myers.

When he took the witness stand, Myers said he had borrowed Sullivan's car to go hunting in Northern Pennsylvania — and during the trip a Philadelphia deputy sheriff gave him the gun. "I wanted to have a gun in my house for my wife," Myers testified, "because during the election she had received lots of threatening phone calls and being alone with three children, I was fearful for her." He added that the gun, a .38-caliber Smith and Wesson revolver, was in poor working order. "I didn't think nothing of it," the man who would later become a U.S. congressman testified. "I didn't even want no parts of it because it seemed to me it was dangerous. It was an old gun. It was, you know, in pretty rough shape."

Attorneys and investigators involved in the case say Myers's testimony that the gun was in poor working order was the major reason the jury convicted Sullivan of voluntary manslaughter instead of murder. "The jury had the impression from Myers's testimony that the gun didn't work," said the prosecutor, John Reilly, later, "and that just maybe Sullivan didn't purposely shoot Simmons."

*THERE IS SUBSTANTIAL EVIDENCE, HOW-*ever, that Myers misled the court about the condition of the gun. Myers testified that he put the gun in the console of Sullivan's car so he could return it to the deputy sheriff who gave it to him, because when he test-fired the gun, "it went off easy ... the hammer was loose ... it seemed like it was ready for the junkpile." But Myers testified earlier that he had test-fired the gun in the presence of the deputy sheriff. An obvious question arises: If Myers test-fired the gun with the deputy sheriff and decided at that time it was a "piece of junk," why didn't he give it back to the sheriff at that time? Why did he put the gun in the console of Sullivan's car and take it all the way to Philadelphia? The Delaware County prosecutor who tried the Sullivan murder case never asked Myers about those inconsistencies. He didn't call the deputy sheriff to testify. And he never pointed out to the jury that Myers was Sullivan's cousin.

A judge later called Myers's testimony a 'key factor' in the verdict in the murder case.

A ballistics report of the gun, which would have told of its condition, is mysteriously missing from the court files of the Sullivan case. The ballistics report is also missing from the Chester Police Department's file on the case. When I asked the Chester Police Department to find the ballistics report, Chester police officials said they could only search for the file with the permission of Chester Mayor Joseph Battles. But the mayor said no. "Why should I help you find some dirt on Ozzie Myers?" he asked. "He's never done anything to me."

The jury convicted Sullivan of voluntary manslaughter. But the trial judge ruled that the prosecutor's final speech to the jury was prejudicial, and overturned the verdict. Rather than stand trial again, Sullivan pleaded guilty to the lesser charge of involuntary manslaughter, a misdemeanor with a maximum jail term of five years.

At the sentencing hearing later held for Sullivan, the judge expressed concern about the role Myers played in the trial: "I just want to say to you, Mr. Sullivan, that I think you are lucky in getting this. I am not sure this is what I would have done. You don't have the best background in the world.... There are probably a lot of facts in this case that were not on the record. I have some awareness of them. You were lucky to have the friends and relatives who testified at the trial, because I think this friend of yours, I believe he is in court now, I found out later was a relative and was a key factor in the verdict in the case."

Sullivan was paroled from prison on January 25, 1974, after serving less than eight months. Myers used his political influence to have Sullivan, who was still on parole, appointed as judge of elections in south Philadelphia. While serving in that official capacity, Sullivan was observed wearing a large campaign button supporting Myers's reelection as a state

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representative. The Philadelphia Board of Elections also investigated allegations that Sullivan stole eighteen absentee ballots while serving as election judge. He later took the Fifth Amendment after being subpoenaed to testify before the elections board.

Myers also helped Sullivan out on another occasion. According to a knowledgeable source, Myers had his political mentor, Henry Cianfrani, put Sullivan on the payroll of the State Senate Appropriations Committee. Sullivan received close to $2000 from the committee—although federal investigators believe Sullivan performed no work for the state in exchange for the money.

But nobody can claim that Michael Sullivan does not recognize a favor. Sullivan was Myers's constant companion in Brooklyn during the congressman's Abscam trial.

Myers turned to the young female cashier and cried 'faggot' before landing his punches.

SEVEN YEARS AFTER HIS APPEARANCE ON Sullivan's behalf, Myers was again in court—not as a witness this time, but as a defendant on charges of assault and battery. The incident had begun innocently enough. On January 16, 1979, Myers had just been sworn in for his second term in Congress and was feeling great. Like most of his colleagues, he celebrated that afternoon at a Capitol Hill reception held in his honor, with more than three hundred friends, relatives, and political workers attending.

At about 9:30 P.M., Myers and a number of his closest friends crossed the Potomac to eat dinner at the Penthouse Restaurant in the Pentagon Quality Inn in Arlington, Virginia. After dinner, the group moved to the hotel's revolving rooftop bar. The Skydome Lounge affords one of the most beautiful views of the Washington skyline. But on this evening its patrons gave little attention to the view. What was happening inside the bar was much more exciting. Myers was dancing around the room with a gorilla mask over his face. At first the bar's patrons and employees were amused. A pianist stationed on a platform atop the bar played the "Monster Mash" as Myers kept up his antics.

But eventually Myers and his friends became rowdy and started making rude remarks to some of the customers. A police report of the incident recorded the trouble that followed. Myers and the others were asked to leave. When some of them wouldn't go, the bar's manager summoned the inn's security guard, Michael Loper.

While adding up the checks for the group, Kimberly Ervin, the nineteen-year-old cashier, felt Myers's solicitous arm going around her shoulder.

"Are they bothering you?" Myers asked, apparently drunk.

"If you were black, she'd love it," commented John Sullivan, Myers's companion and the brother of Michael Sullivan.

"Yeah, if I were black she'd be right on top of me," Myers agreed. "She looks the type."

As Myers headed for the elevator, he turned and yelled at Ervin, "Faggot!" Moments later, Sullivan punched the security guard, Michael Loper, in the face and yanked him into the elevator, where Myers and the others beat and kicked him. Kimberly Ervin frantically tried to stop the elevator by pressing a button that cuts off its power. She, too, was dragged into the elevator for a brutal beating. Myers, according to police reports, landed the first blows, an arm to her face followed by a knee to the abdomen. Ervin, who had just recuperated from a severely strained abdominal muscle, fell to her knees in pain. She would later have to take a powerful narcotic, Percodan, to relieve the pain.

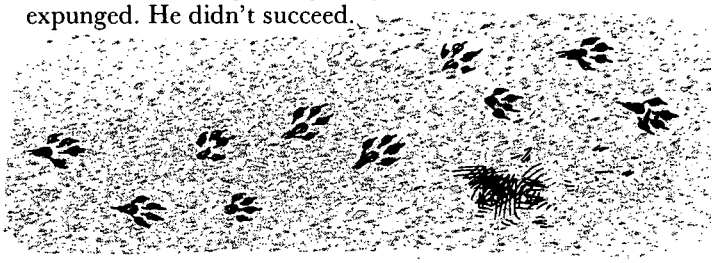
After she fell, John Sullivan punched Ervin several more times, kicked her, and then threw her out of the elevator.

The next day, Arlington police charged both Sullivan and Myers with assault and battery. On April 11, 1979, the two men pleaded guilty to drunk and disorderly conduct in exchange for the prosecution's dropping the assault and battery charges. Both Myers and Sullivan were given suspended six-month jail sentences. But Myers was afraid the worst was yet to come.

According to a close associate of Myers, the congressman feared that "someone was going to dig up the old murder charges against Michael Sullivan, and what Ozzie did for him. He was afraid that with John Sullivan's name appearing in the newspapers, the thing about Michael and Ozzie up there [in Delaware County] was going to come out.

"So Ozzie called Freddy Di Bona and Lou Presenza [law partners and friends of Myers] and asked them to see if they could get the court records on the murder thing destroyed. Ozzie thought you could handle the situation like you would in Philadelphia. All you had to do was call somebody or pay someone a little money."

Court records confirm that attorney Lou Presenza sent a letter on April 5, 1979, to Delaware County court officials—exactly six days before Myers and John Sullivan's Virginia court appearance — asking that records involving murder and drunk driving charges against Michael Sullivan be expunged. He didn't succeed.



THE BROOKLYN COURTROOM WAS FILLED to capacity as jurors, attorneys, members of the press, and curiosity seekers sat up in their seats to watch videotapes of secretly recorded meetings between Michael Myers and undercover FBI agents. The first tape was of an August 22, 1979, meeting at the Travelodge International Hotel in Queens, New York. Accompanying Myers was the mayor of Camden, New Jersey — Angelo Errichetti, the first public official to do business with the fictitious Abscam sheik. Myers had been recruited to the meeting by Errichetti and his associate, then-Philadelphia City Councilman Louis Johanson, who would later be indicted with Errichetti and Myers. As the tape rolled, Myers was promising to introduce a private bill that would allow the

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sheik to emigrate to the United States. Myers was also, unwittingly, giving a basic civics lesson to the assembled courtroom spectators.

"Survival down there is knowin' how to make deals," Myers explained. "It's a big pie down in Washington. Each member's sent there to bring a piece of that pie back home. And if you go down there and you don't — you come back without milkin' it after a few terms . . . you don't go the fuck back."

Myers made it clear that he had a big piece of the pie to deliver. He spent most of the meeting boasting about how he could use his political influence on the fictitious sheik's behalf. "I got a lot of guys who is willing to do business," Myers said. Among those the former congressman claimed were in his pocket were other congressmen, some State Department officials, several members of the Philadelphia City Council, and Philadelphia union officials.

In the same vein, Myers mentioned his boyhood friend, G. Fred Di Bona, the executive director of the Philadelphia Port Corporation. "I'm very active in the Port of Philadelphia," Myers told the undercover FBI agent. ". . . And right now we have a Philadelphia Port Corporation. And the executive director — I made him the executive director, Freddy Di Bona."

The August 22 meeting ended with FBI undercover agent Anthony Amoroso's giving Myers an envelope with $50,000 cash inside.

"Let's go, buddy," Camden Mayor Errichetti told Myers after he took the bulging envelope.

"Wait, I've got a bigger envelope," said the agent helpfully,

Ozzie Myers on the rocks

Despite the overwhelming evidence against Myers presented at the Abscam trial, Representative Charles Wilson (D-Calif.) was more than eager to defend Myers during the House expulsion debate. Wilson had reason to be sympathetic to Myers's predicament. Four months earlier, he had been formally reprimanded by the House for converting $25,000 in campaign contributions to his personal use and accepting more than $10,000 from a man who had a direct financial interest in a piece of legislation Wilson had sponsored.

Myers and Wilson had been close friends since the two men went on an all-expenses-paid European junket in April 1977 with two other members of the House Armed Services Committee. According to Defense Department records, in one day in West Berlin the four congressmen charged the taxpayers for two Bloody Marys, two vodka martinis, one gin martini, one glass of sherry, four gin and tonics, five glasses of Mosel wine, one vodka tonic, and eight Beck beers.

Now Wilson was using alcohol as a defense for Myers's having accepted the $50,000 bribe.

"I watched the tapes, Ozzie, and I think that, like yourself, I was terribly disappointed," Wilson told Myers while addressing the House. ". . . It appeared to me that your voice was slurred and that you were perhaps inebriated," Wilson remarked of the January 24, 1980, meeting. "It was at this meeting where the profanity and language which made the tape so damaging took place.

"Now can you tell the members here — and I do not mind saying I am going to vote against expulsion if there is a record vote — but can you tell the group if you were deliberately plied with liquor? I think there sometimes can be extenuating circumstances as to what a person does and says. Can you give us some background as to what did happen in this particular case?"

"I would be happy to," replied Myers. "When you talk about my behavior on the second set of tapes, I was intoxicated. I was drinking FBI bourbon, if you know what that is, big glasses full of it. I could hardly talk. You saw my condition."

This defense was a fabrication. During two videotaped meetings with FBI undercover agents, Myers is seen accepting only one drink. He accepted a bourbon on the rocks during the *second* meeting with FBI agents, but it was at the *first* meeting with undercover agents that he accepted the $50,000 bribe.

Finally Myers rose to speak in his own defense before the House. The former longshoreman sounded like he was trying to imitate James Cagney from a 1940s gangster movie:

"I guess there is not much more I can say, and I do not think anything I have said today is going to change anybody's mind, but in closing I just want to say this. When I walked over here today, when I was sitting on the floor, I know what it feels like to sit on death row. In a way I am awaiting execution, and you, the members of this body, are the ones who will decide my fate.

"As you go to the voting machine to put your cards in, keep in mind, use a comparison when you hit the button, when you vote to expel, that it will have the same effect as hitting the button if I were strapped in an electric chair in the well. That is all I have to say."

When the voting was over, the south Philadelphia congressman was expelled by a decisive 376-to-30 vote. Among the congressmen to vote against expelling Myers, three of them — Richard Kelly (R-Fla.), Ray Lederer (D-Pa.), and John Murphy (D-N.Y.) — had also been indicted for accepting Abscam bribes. Two others, Edward Royball (D-Calif.) and Charles Wilson (D-Calif.), had previously been reprimanded by the House for unethical activities. Another, Fred Richmond (D-N.Y.), had been arrested for soliciting sex from a sixteen-year-old boy. And William Clay (D-Mo.) had been Myers's drinking partner during their April 1977 European junket.

But their votes didn't save Myers from becoming only the fourth member of the House of Representatives to be expelled by his colleagues. (The other three were congressmen from Southern states who accepted commissions in the confederate army during the civil war.).

"I'm leaving Washington and going back to America," Myers told reporters as he stepped into his Mercedes and left the Capitol grounds.

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before the two men could leave. "... Spend it well."

More than five months later, on January 24, 1980, Myers attended another meeting with undercover FBI agents at a luxurious suite at the Barclay Hotel in downtown Philadelphia. There he boasted about his influence with some of Philadelphia's most prominent organized-crime figures after an undercover FBI agent told him about the fictitious sheik's fear of the mafia.

"He's seen every mafia-type movie, *The Godfather,* the whole thing," undercover FBI agent Michael Wald told Myers. "He reads them all, and he's paranoid concerning the mafia. You'll hear him try to pronounce it, all right. But he is paranoid concerning them."

"When you deal with the mafia," Myers reassured Wald, "ya deal through me.... Now as far as mafia in this city, the key people here, of course, Angelo Bruno is the key.... Very sickly ya know, I don't think he'd be lasting much longer. But a good guy. Very, very good guy."

Myers boasted that Frank (Chickie) Narducci, a high-level Philadelphia organized-crime figure, was his "close, close friend." The Pennsylvania Crime Commission calls Narducci an important member of the Bruno crime family. He has been arrested or charged forty-one times for crimes that include loansharking, racketeering, murder, and bribing a Philadelphia police officer. He has been convicted of nine felonies.

Later in the conversation, Myers groused to the FBI agents that the $50,000 bribe he had received during their first meeting in August wasn't enough: "Who am I going to complain to, ah, I mean, my congressman?" Myers joked. The undercover FBI agents then agreed to pay Myers an additional $85,000 at a later date.

The January 24 meeting closed with a discussion of a possible meeting between the FBI undercover agents and Myers's friend at the Philadelphia Port Corporation, Fred Di Bona. Myers had suggested that the sheik do business with the Philadelphia port.

"Can you do this?" asked FBI agent Michael Wald. "Can you give it some thought on whether I should see ah, ah Mr. Di Bona tomorrow?"

"If you want to see Mr. Di Bona," Myers replied, "I can arrange that, okay. I can, all right, I can even take ya to Mr. Di Bona's house tonight. Okay."

The undercover agents never got a chance to meet Di Bona. Within days of their last conversation with Myers, press leaks brought the Abscam investigation to a halt. If that meeting had taken place, the FBI might have learned about Di Bona's business dealings with Myers. Or about their possible kickback scheme. But it did not.

"THE AMERICAN PEOPLE WILL NOT STAND for what the FBI did to me," said Michael Myers shortly after being convicted of taking the $50,000 bribe from undercover FBI agents. Myers claimed that he was entrapped and plied with liquor to make him do things that he ordinarily would not.

But there were no FBI agents involved two years earlier when Myers was one of several Philadelphia public officials who shared in more than $15,000 in questionable payments from Di Bona and others in a scheme related to the federal leasing of a property once owned by Myers. The scheme, documented from the public record, is revealed for the first time in this article.

Myers was a co-owner of a property in south Philadelphia that he sold to a number of close friends for more than four times its assessed value and probable worth. Myers in turn made the property highly profitable by agreeing to rent it back with federal funds as one of his congressional district offices.

Real-estate records show that Myers was one of several persons who purchased a small townhouse at 2455 South Third Street in Philadelphia for $6500 in October 1974. Others listed on the deed as purchasers were his wife, Ethel; Edward Halin, one of Myers's congressional aides; Halin's wife; Harry Graessle, a small-time Philadelphia political operator; and Graessle's wife.

On September 7, 1977—less than three years after Myers and the others purchased the property—they sold it to WPD, Inc., for $24,000, almost four times the original purchase price.

Records at the Pennsylvania secretary of state's office fail to disclose who the owners or stockholders of WPD are. But the records list Louis Presenza as the incorporator of WPD and owner of 25 percent of its stock. Presenza is a law partner of Fred Di Bona, the chairman of the Philadelphia Port Corporation and a longtime close personal friend of Myers. And, as we noted earlier, Presenza attempted to have Michael Sullivan's manslaughter conviction expunged from court records in Delaware County, Pennsylvania, on Myers's behalf.

Presenza refused in an interview to disclose the names of his fellow principals in WPD. "As counsel for the corporation," he said, "it is my responsibility to keep that information confidential." Presenza added as a personal comment: "I saw an opportunity to make some money and I took it. I don't see why it should be anybody's business other than my own."

According to a source familiar with WPD, the corporation was set up as a front for three of Myers's friends to buy the property on South Third Street and to rent that and another property to Myers for use as congressional district offices.

Each letter in the corporate name of WPD stands for the name of one of the corporation partners: "W" stands for Edward S. Wooten, a close friend of Myers who is a detective with the Philadelphia Police Department; "P" stands for Louis Presenza; and "D" stands for Fred Di Bona. A copy of a mortgage agreement between the Continental Bank of Philadelphia and WPD lists Wooten as president of the corporation.

Philadelphia tax records show that the assessed value of the South Third Street house did not increase between the time Myers and his friends bought it for $6500 in 1974 and sold it three years later for $24,000. The assessment remained $5600, close to the original purchase price.

"A property value might significantly increase without us changing the assessment," says an official in the city's tax assessment office, "but the neighborhood where that property is located is a slightly depressed area. Property values have stayed the same or slightly depreciated" during that time.

Several real-estate brokers in south Philadelphia also said they doubted that the house could have risen so quickly in

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value between 1974 and 1977. "If the building was a complete shell and they totally renovated it, I could see the price increase that much," said one broker. Commented a broker with another firm: "The best properties in that neighborhood have tripled in value over the period of the last decade. For a property to have quadrupled in three years, there would probably have to be some special circumstances."

Other evidence also points to the existence of "special circumstances." In 1977, when Myers began renting the South Third Street office from his friends in WPD, his monthly payments never fell below $325 a month. Yet the current tenants pay only $235 a month for the same building. In short, Myers and his partners made a profit of $17,500 by selling the property to WPD, and WPD in turn received more than $12,000 in rental payments from the federal government at Myers's direction.

Fred Di Bona refused to comment and Edward Wooten refused to return half a dozen phone calls. But Louis Presenza, in a series of interviews, defended WPD's transactions with Myers. He said the $24,000 that WPD paid Myers and his partners for the property was not excessive, because the house had been partially renovated. He further maintained that the principals in WPD had received no promise from Myers at the time that he would rent the house as one of his congressional district offices.

"We bought the property from Myers with no idea he would later rent it from us," Presenza said. "If we had done that, then we would be guilty of a sweetheart deal. But that's not the way it happened. It was only sometime later that we learned he needed an office. He called us up and asked if we had rented yet and we hadn't." "Sometime later," however, is a peculiar euphemism; congressional records show that Myers began renting on the first of September — a week before he sold the property to WPD.

When asked about these deals with WPD, Myers's spokesman Mike McCormack at first denied that the former south Philadelphia congressman had done anything wrong. "I'll kick your ass," he growled to a reporter. But when shown documents about the rental agreements and property sales, McCormack said: "I just want you to know that I had nothing to do with this. Ozzie does a lot of things he never tells me about. Make it clear in your story that I have absolutely no connection with this thing."

There is one footnote to the apparent kickback scheme. Three of the individuals who joined Myers in buying the South Third Street property appear on a list of more than a hundred suspected ghost employees who received salaries from the Pennsylvania state legislature. Myers's wife, Ethel, received more than $5000 from the legislature before investing in the property. Two other co-investors, Rose Halin and Mary Graessle, also appeared on a list of those suspected of having been one-time ghost employees of the legislature. Thus Ozzie Myers apparently used funds milked from the State of Pennsylvania to finance a scheme to defraud the federal government.

"Aren't you afraid digging up information like this," Myers said in his only comment about the scheme, "that you won't get killed by someone angry at you or something?"

MYERS SAID HE WAS "GOING BACK TO America," as he left Washington after being expelled from the House of Representatives. But once back in America, in the working-class districts of south Philadelphia where he grew up and worked, Myers would learn a bitter lesson. On November 4, 1980, he lost in his bid for reelection. He is currently pressing an appeal on his Abscam conviction. In the meantime, he is still a Democratic ward leader and a part-time bartender at the Sullivans' Candy Cane Lounge.

Myers's constituents never knew about the apparent kickback scheme involving his congressional offices, and few had probably heard of his previous run-ins with the law. But they did know about his role in Abscam. The people of his neighborhood had been ripped off once too often. They had seen their hard-earned dollars siphoned into the pockets of the Cianfrani-Rizzo machine and the mafia bosses who supported it. Now they could see their own congressman — on videotape — betray them by grabbing a $50,000 bribe. It was too much. Thanks to their votes, Michael Myers has rejoined the working class. But he is no longer a hero. ❑

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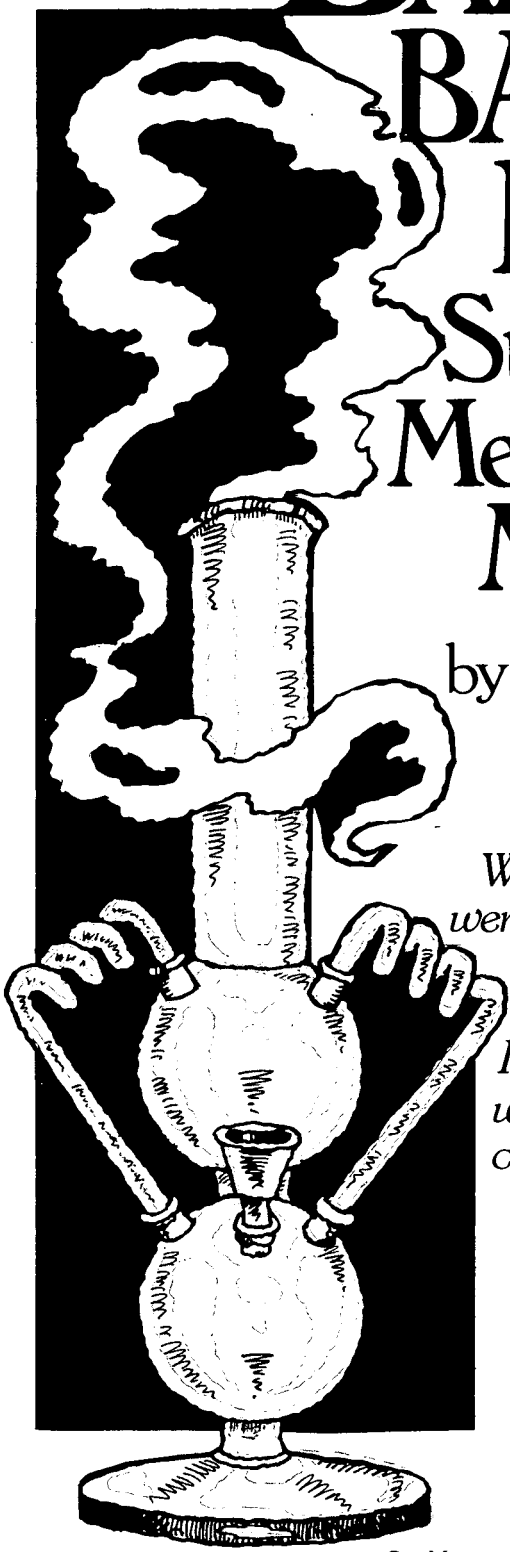
BANNING BAGGIES AND BONGS: Supply-Side Meets Reefer Madness

by Jeff Riggenbach



What if owning a crowbar were a more serious offense than burglary? That's how the Model Drug Paraphernalia Act works—and soon it will be coming to your town.

PAT MORRISON

WITHIN THE PAST two years, twenty-five states have enacted "drug paraphernalia" laws designed to shut down headshops and restrict the distribution and sale of such items as bongs, rolling papers, and rolling machines. The movement to crunch headshops has been led by people gripped in *Reefer Madness* hysteria. Some supporters of these repressive laws have frequently spoken of wild-eyed street children who "smoke LSD."

Arcane misconceptions surrounding the recreational use—and misuse—of drugs have added fire to the crusade to ban drug paraphernalia. Seizing on the general public's lack of knowledge concerning drugs, the Drug Enforcement Administration (DEA) has frequently manipulated that ignorance into irrational fear to assure passage of these laws.

Public ignorance of drugs and the DEA's own paranoid antics, however, are not the only forces behind the passage of misguided drug-paraphernalia legislation. Curiously, a major influence that's often overlooked, despite being very much in vogue, is "supply-side economics."

Supply-siders frequently point out that their doctrine derives from John M. Keynes's restatement of Say's Law: "Supply creates its own demand." An extension of this theory into social experimentation produced one ridiculous catastrophe, the Volstead Act and Prohibition. Identical reasoning has been applied to the gun-control movement,

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and it has now been seized as a weapon in the anti-headshop crusade.

The victory of the Prohibition forces in the years after World War I, wrote former southern California liquor dealer George Coes Howell in 1928, was made possible by widespread public acceptance of "the mistaken idea that the manufacture was the cause of the demand." Arguments for handgun prohibition, wrote St. Louis attorney Don B. Kates ["Handgun Control: Prohibition Revisited," *INQUIRY*, Dec. 5, 1977], resemble arguments for alcohol prohibition because they are based on the same "two crucial but erroneous assumptions: (1) social evils like violence, irresponsibility, and drug or alcohol abuse are 'caused' by the availability of certain weapons or drugs . . . and (2) by eliminating whatever weapon or drug happens to be most currently popular, the social evils 'caused' by it will also disappear or at least be substantially reduced."

These two assumptions are convincing if "supply creates its own demand." If Keynes's restatement of Say's Law is true, the supply of guns creates a demand for violence, the supply of booze creates a demand for intoxication, and the supply of paraphernalia creates a demand for "mind expansion." To eliminate murder, drunkenness, and drug abuse, therefore, weapons, booze, and paraphernalia should be outlawed.

Not all advocates of paraphernalia prohibition subscribe to this analysis. "No one believes paraphernalia is the cause of drug abuse," says Harry Myers, the thirty-five-year-old DEA lawyer who wrote the agency's Model Drug Paraphernalia Act two years ago. But to judge from the behavior of some of Myers's fellow anti-headshop activists, he may be alone in his assumption. Consider the case of a recent Minnesota law that makes it a misdemeanor punishable by a $500 fine and a ninety-day stay in jail to give rolling papers to a minor—in a state where giving a minor up to an ounce and a half of marijuana itself is not a crime at all, but only a "petty misdemeanor" punishable by a $100 fine. In Minnesota it is as if the possession of a crowbar were a more serious offense than the crime of burglary.

Throughout the nation, the anti-headshop movement appears to be firmly in the sway of Say's Law. "There is no question in my mind," Dr. Mitchell S. Rosenthal said in November 1979 in testimony before the Select Committee on Narcotics Abuse and Control of the U.S. House of Representatives, "that the great increase in adolescent drug abuse can be blamed in large measure on the proliferation of headshops." Michael Hubbard, a Washington, D.C., police officer, told the same hearing that cocaine sales in the capital's posh northwest quadrant had been accelerated by the ready availability of "cocaine paraphernalia" in area headshops. "Upperclass people," testified Hubbard, "were of the impression that cocaine was acceptable because of all the paraphernalia they could buy. I couldn't convince them it was illegal."

When Virginia became the twenty-fifth state to enact a total ban on paraphernalia, the *Washington Post* said the Virginia law was "designed to curb the use of drugs by prohibiting sale of devices such as marijuana pipes and marijuana cigarette holders called 'roach clips,' that are used largely with illicit drugs."

Dr. Rosenthal, Officer Hubbard, and the Virginia legislators are putting the cart before the horse. The existence of headshops and drug paraphernalia has not led to the increase in the use of drugs —the increase in the use of drugs has led to the existence of headshops and drug paraphernalia. For this reason James Barron of the *New York Times* has called the growth of the paraphernalia business (from nothing in the mid-1960s to a $3 billion industry in the early 1980s) "the most classically perfect recent example of free-market economic principles: the rise of the headshop to serve a growing middle-class market of customers who want paraphernalia with which to smoke their marijuana or snort their cocaine."

SMOKING AND SNORTING predate headshops by many years. Marijuana was smoked in corncobs and old-fashioned hookahs or in joints rolled from cigarette papers intended for Bull Durham. Pipes and rolling papers were purchased in tobacco shops. Alligator clips from neighborhood hardware stores, hemostats from medical supply houses, or tweezers from dime stores were fashioned into "roach clips." Cocaine could be snorted from any dime-store mirror, using single-edge industrial razor blades to cut the cocaine into "lines" and ordinary plastic soda straws to inhale it. Without straws, dollar bills easily sufficed.

Special paraphernalia has never been required to ingest drugs, any more than shot glasses or swizzle sticks are required to drink Scotch, or a Saturday night special to kill. Most manufactured objects are multipurpose objects, whatever the intent of their makers. The entrepreneurs who created what has come to be known as the drug-paraphernalia industry merely came up with decorative versions of the same alligator clips, hemostats, tweezers, and pipes. Once on the market, these innovative items suddenly became dangerous "paraphernalia."

Purveyors of these items have had a rough time since Harry Myers's Model Drug Paraphernalia Act was presented in the fall of 1979 at the paraphernalia hearings of the House Select Committee

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on Narcotics Abuse and Control. The model act was drawn up at the request of the Jimmy Carter White House. Several Carter staffers, including Hamilton Jordan and Peter Bourne, had attracted widespread attention and criticism for allegedly using drugs, and the Carter administration was anxious to prove it was not "soft on drugs." Once the model act was unveiled, the DEA vigorously promoted it to state and local governments. Today, half the states of the Union and hundreds of communities, too, have paraphernalia-prohibition laws based on the DEA model act. Many of these laws have been challenged in court, with mixed results. The model act has been upheld by the U.S. Courts of Appeals for both the Second and Eighth Circuits, but it has been struck down as unconstitutional in the Sixth Circuit. The U.S. Supreme Court is expected to decide soon whether to hear arguments on the constitutionality of the model act during its spring term.

The model act and the prohibition it orders are not the only kinds of drug-paraphernalia legislation on the books. There are laws in effect all over the country forbidding the display or sale of drug paraphernalia to minors. (These laws are generally accepted with equanimity by headshop owners, who realize these restraints are better than outright prohibition.) And there are also a few laws like the one in Hoffman Estates, Illinois (a Chicago suburb), which the U.S. Supreme Court has agreed to consider. The Hoffman Estates ordinance does not forbid the possession or transfer of paraphernalia. Instead, it requires the licensing of dealers in paraphernalia and further requires those dealers to maintain records of the names and addresses of all persons with whom they do business. These records are at the disposal of Hoffman Estates authorities.

Though the Hoffman Estates law differs from Harry Myers's model act, it has come to grief in the courts on the grounds of unconstitutional vagueness.

Hoffman Estates' ordinance does not forbid the possession or transfer of paraphernalia. It requires paraphernalia dealers to keep the names and addresses of buyers on file. These files are available to local police.

BECAUSE DRUG PARAphernalia is merely decorative versions of various ordinary, multipurpose objects, it is extraordinarily difficult to find legal language that can clearly differentiate illegal bongs from legal briars and cherrywoods or illegal headshops from legal gift shops, variety stores, and novelty shops. The DEA model act prohibits "scales and balances used in weighing or measuring controlled substances." But how does a scale used to weigh marijuana differ from a scale used to weigh mail? The DEA model act prohibits "capsules, balloons, envelopes and other containers used in packaging small quantities of controlled substances." This description is more clearly applicable to Baggies than to any sort of container ordinarily sold in headshops. But DEA chief Peter Bensinger claimed at the 1979 select committee hearings that "drug paraphernalia stores ... sell commodities with only one clear use — the abuse of substances we know to be harmful and unsafe for human consumption."

Headshops are being singled out by the anti-paraphernalia forces for special repressive treatment. Not only is their standard inventory indistinguishable in principle from the inventory of all sorts of other shops; the overwhelming majority of all the rolling papers and bongs and roach clips that change hands every year in America are sold in convenience stores and variety stores. Robert Burton Associates, whose E-Z Wider rolling papers account for nearly a third of all the cigarette papers sold every year in the United States, estimates that only 20 percent of its papers are distributed to headshops. "Gift shops and record stores in surburban and rural areas," writes James Barron, "now stock 'bongs' along with their party napkins and cassette tapes."

High Times magazine, which is frequently cited by anti-headshop activists as a particularly objectionable item of paraphernalia, is a monthly with a paid circulation of a third of a million, 90 percent of which is accounted for by over-the-counter, single-copy sales. A major distributor of *High Times* is Flynt Distributing, which does the bulk of its business with convenience stores. Similarly, though anti-headshop leaders often decry the "equipment" some headshops sell to customers to cultivate marijuana, the majority of such "equipment" is sold by garden shops and hardware stores. Headshops are really scapegoats for the DEA and its antiparaphernalia movement. Michael Antonoff, editor of *Paraphernalia Digest*, sums up the problem of headshop owners this way: "The same items sold in a hardware store or an electronics store don't get by if sold in a shop that the government doesn't like the ambience of. These are really anti-ambience laws."

TODAY, THE BUSINESSmen who have organized themselves to fight the legislation avoid calling themselves headshop owners or paraphernalia vendors. Less than ten years ago their organization was called the Paraphernalia Trade Association (that's right, the PTA), and Antonoff edited their monthly magazine, *Paraphernalia Digest*. But by 1980, in the wake of the fall 1979 congressional hearings on paraphernalia, the organization and its magazine had been transformed into the Tobacco Accessories Trade Association and *Accessories Digest*. Now, following two years of costly court actions against state and local anti-headshop ordinances, and in the face of Texas Senator John Tower's attempts (S. 1019) to impose a nationwide ban on the sale of paraphernalia, the organization has become American Businesses for Constitutional Rights. It spends its money on litigation, not magazine publishing.

These manufacturers and retailers of pipes, spoons, bowls, blenders, scales, sugar, balloons, and envelopes are concerned about their right to be free from unreasonable search and seizure. In 1979 Select Industries, a paraphernalia manufacturer in Walnut Creek, California, admitted to the House Select Committee on Narcotics Abuse and Control that it took in $10,000 a month from the sale of its products. On April 24, 1981, Select Industries was raided by a phalanx of DEA agents, U.S. marshals, and local police and fire officials armed with a document called a civil forfeiture warrant. Having served the warrant,

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the law-enforcement officers spent most of the rest of the day loading up and carting off all the paraphernalia they could find in the Select Industries warehouse. According to *High Times*, which ran a brief update on the story in its September issue, "what the DEA was apparently looking for" in the raid was "a major court case to test the validity of confiscating inventories without first bringing criminal charges."

PARAPHERNALIA MANUfacturers also want to safeguard their constitutional right to be presumed innocent until proven guilty. A presumption of guilty intent lies behind the DEA's seizure of the Select Industries inventory, and also behind the Hoffman Estates, Illinois, ordinance (which presumes the guilty intent of headshop customers). The paraphernalia industry has also voiced concern over incursions on the right to freedom of speech and the press. "I do not believe," Dr. Mitchell Rosenthal told the House select committee during its 1979 hearings, "that we can guarantee press freedom to publications that proselytize for drugs without influencing millions of youngsters."

So far, the paraphernalia industry has been somewhat isolated in its search for constitutional guarantees of due process, equal protection, free speech, presumption of innocence, and privacy. The DEA and its apologists in the media (and the latter are legion) have isolated the manufacturers and claimed that a "grass-roots movement" spearheaded by groups of "concerned parents" is behind the spread of anti-headshop legislation. But as *Newsweek* pointed out nearly two years ago in a revealing article, "In some respects the pot backlash [including the war on paraphernalia] appears to be orchestrated." There were virtually no attempts to outlaw headshops before the DEA aggressively peddled its model act to state and local governments.

The anti-headshop movement has yet to slacken its pace. Legislation based on the DEA's model act is now under consideration in countless statehouses. But an important question persists: Why is the DEA promoting inherently unenforceable headshop laws? An answer may be found in Michael Antonoff's statement. Laws striking out at headshops and drug paraphernalia provide the DEA with a legal means by which to engage in selective harassment of those persons whose lifestyle — whose ambience — it doesn't like. ❑

THE FIRE WITHIN

by Joe David

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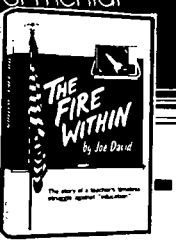

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***LECTURES ON RUSSIAN LITERATURE*, by Vladimir Nabokov. Harcourt Brace Jovanovich, 328 pp., $19.95.**

Detail and Dreaminess

ALEX DE JONGE

ALTHOUGH HE SPENT THE latter part of his life being kept, as he put it, "by a little girl named Lolita," Vladimir Nabokov had not always succeeded in living by the pen. In Berlin he had given tennis lessons, which kept him in shape. When he came to the United States, Edmund Wilson found him a university teaching post, which helped him keep body and soul together. He taught first at Wellesley, Russian 201, then at Cornell, Literature 325–26 and Literature 311–12, which was devoted to nineteenth-century European novels and known to irreverent juniors as "dirty literature."

There was nothing spontaneous about the lectures: They were written in advance, twenty years in advance eventually, and delivered. Nabokov read for fifty minutes, then walked away. There was no give and take, no easy, warmhearted exchanges between the young and the wise. Nabokov simply, well, lectured. There were occasional lapses, like the time he tested his audience by devoting the last ten minutes of a session to rereading the script for the opening ten. No one seemed to notice or stop taking notes. He did not try it again.

Most students were bewildered by the lectures; a few remembered them for life. As academic discourses on literature they were unusual. They did not cover the standard categories of theme, form, content, values, and social significance, according to which living books can so easily be turned into dead topics on a stricken field. Nabokov knew that it was worse than useless to talk about novels in this way, that it was a method that made it easy for dull minds to pontificate and institutionalize their dullness. He also recognized that it was very hard indeed to talk properly about books, harder still to understand what was being said.

He believed that in nine cases out of ten the student of literature was wasting his time, and that literary studies could easily damage the mental health — a truth as valid today at Oxford as it was forty years ago at Cornell. He designed his courses to appeal to the one good student in ten, while doing his best to avoid corrupting the others with irrelevant rubbish. In examinations he was determined not to draw candidates' attention to nonsense like the questions of style versus content or social values. His questions made them consider the fine detail of the works they were studying. At the very least the concentration on detail flexed the memory and kept out useless knowledge, while for the real reader it was the starting point of genuine appreciation. Nabokov would thus ask his students for the color of Emma Bovary's riding habit or a ground plan of the sleeping car in which Anna Karenina travelled. As one of his own characters puts it in *Ada:* "The detail is all."

The lectures on Russian literature we have here make it apparent that for Nabokov the excellence of a writer begins with a sense of detail. Art must work with and from the particular. This accounts for his commentaries on others' work, which enter into such detailed and apparently obsessive examination of seeming trivia — how many buttons on a frock coat, how to dance the cancan, what the well-dressed lady wore skating. Often held to be affectation by his meaner-spirited critics, this is nothing of the sort. He recognizes that there is not much to be said about great works of art beyond describing how they are made and what they are made of. He hopes that by approaching them in this way the good reader will come to understand them. Nabokov is always looking for the good reader, and trying, in the greatest pedagogical enterprise, to create him too, to confer the highest grace, which is to know how to read good books and how to respond to their special magic. The enterprise is, as he put it of Professor Pnin's lectures, an invitation to a tasting of his "private wines."

It is in response to that magic that the good reader, the one who reads "with the back of his head" will sometimes "jump up ruffling his hair." Nabokov conveys the magic of other writers quite brilliantly. Look at the way he conveys the very special poetry of Chekhov's writing: "He did it by keeping all his words in the same dim light and of the same exact tint of gray, a tint between the color of an old fence and that of low clouds." One writer is talking about another, and saying more than all the statistical analyses and semiotic studies could ever do.

Nabokov lectures for the kind of reader who will shiver at descriptions of Anna Karenina and "the air she had of a beautiful butterfly, clinging to a grass blade and just about to flutter up again with iridescent wings spread." That reader will be sensitive to the construction of a novel, as opposed to its structure, the way its author manipulates various groups of characters, sending them crisscrossing through time and space. He will respond to the way transitions are effected to give the impression that the work is a seamless garment. Above all a good reader will read for a book's electricity, and not because it is for or against some kind of -ism or -asm, an attitude Nabokov considers the supreme vulgarity. Authors who sacrifice detail and the particular to such generalities are to be dismissed, good and bad guys alike, as copywriters. Incidentally, *Lectures on Russian Literature* includes a short essay on philistinism with a remarkable illustration of it. It is a 1950s advertisement featuring a young bride-to-be. Dressed like Doris Day she stands, with hands clasped in religious fervor, in front of some silver-plated spoons. The copy draws attention to the spoons' "most adored patterns." Nabokov has entitled the piece "Adoration of Spoons."

The main body of the book consists of

ALEX DE JONGE is a fellow of New College, Oxford, where he teaches modern languages. His published writings include studies of Baudelaire, Gogol, Dostoevsky, Nabokov, and Weimar Germany. His latest book, The Life and Times of Grigorii Rasputin, *will be published in May.*

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survey lectures on Gogol, Turgenev, Dostoevsky, Tolstoy's *Anna Karenina,* Chekhov, and Gorky. There is a further incidental topic that emerges through sideswipes: Soviet literature. Nabokov was writing at a time when it was fashionable to admire the brash young country shaking off its past, when Robert Bernstein of Random House was still in knee pants and an uninformed public assumed all to be excellent in the worker's paradise. That remarkable pro-Soviet travesty, *Mission to Moscow,* based upon the memoirs of ambassador Joseph E. Davies, had just hit the screens to universal acclaim, while bad news from the Gulag was dismissed as the work of subversives and malcontents. Not surprisingly Nabokov comes on strong about the horror of the official literature from that prison house of a country, and the sheer mediocrity, grayness, and spiritual debasement that it brought about. It all seems obvious now, but it was less so then, when plenty of people who should have known better —Sartre and Edmund Wilson spring to mind—were throwing up their paws in delight when contemplating the "vibrant young writing" of party hacks producing books with titles like *Cement.*

To many academics and serious literary figures Nabokov the critic was persona non grata. He was thought to be unsound and eccentric, but more often than not he was bang on target.

ONE OF NABOKOV'S GREAT strengths is knowing, both as a reader and a writer, exactly what he wants from a book. In uncompromising statements he separates the good from the bad. His hatred of sloppiness and generality, of ill-made books that try to stand on their professions of good intent, later made him dismiss the novels of Solzhenitsyn and Pasternak as schlock — thereby raising howls of anguish. He is equally hard on Dostoevsky, whom he finds intolerable. Nabokov condemns him for his melodrama and implausible mawkishness (e.g., a whore and a murderer reading the Gospel together) and for a generalizing sloppiness that omits detail (we never know what kind of day it is or what the settings look like). Dostoevsky's ideologizing stylizations reduce character to caricature, according to Nabokov, effacing all detail and particularity. He is thus a melodramatic, pretentious, sensationalistic cheapo, the author of *Crime and Slime.*

Tolstoy is his very opposite. The best essay in this collection is a loving analysis of *Anna Karenina* that emphasizes its "dreaminess," for Nabokov the supreme accolade. He goes into the most loving detail as he examines its construction and rendering of time, and shows that it is just such qualities that make it a dreamy novel, a book in which you can move confidently from detail to generality and back again. Each level amplifies and is matched by the other, making the work entirely of a piece. This is where Nabokov emerges as a superb teacher, his examination of detail bringing the book to life where most literary analysts would kill it stone dead.

The lecture on Gogol formed the basis for a critical study Nabokov published in the forties. I first came across it as an undergraduate, long before I had read any of the fiction; the book bowled me over. I had been instructed to read innumerable studies of Gogol in Russian and English, each duller and more futile than the last, taking me ever further from the lovely loony feel of the writing. Here at last was someone who understood, who picked all the right things to talk about and quoted all the passages in Gogol's weird world it was a joy to be reminded of. This was criticism as it ought to be. Why then had I not been told about it?

I soon discovered that to academics and serious literary figures Nabokov the critic was *persona non grata.* He was felt to be unsound and eccentric, while more often than not he was bang on target; he made the heavies who tried to reach Gogol by counting the incidence of the adverb "even" appear the eccentric ones. Yet Nabokov's views were considered so flighty and extreme that most academics dismissed him as irresponsible. No one, certainly, could seriously maintain that Dostoevsky or Stendhal were bad writers, while admiring Chateaubriand. Indeed, I note that a critic has recently given Nabokov *umabala* — a Swahili word for fecal matter — for his admiration of *Manon Lescaut,* although some would say, and I am one of them, that it is one of the greatest short novels ever written. But then I admire *Doctor Zhivago* too, and should not be trusted.

The trouble is that Nabokov poses a

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terrible threat to those of us who have to teach literature for a living, and are perforce obliged to speak warmly about practically everything in the syllabus. We are allowed a "pet hate" or two, but that is about it. We really cannot afford to be picky; it's a case of "if it's a classic, salute it." Nabokov is not a slave to his teaching of literature; he is a writer who looks to books for what he needs for his own art. This makes him approach books with a patrician eclecticism that we poor hacks might well find upsetting. Nabokov has no right to call Dostoevsky a bad writer whose political views are of no interest—not, anyway, in the eyes of some poor sod who has devoted the past fifteen years to tracing those views with loving, if somewhat tedious, care. As a great writer first, an associate professor second, Nabokov enjoyed the kind of spiritual tenure known as genius, which meant that he never had to compromise when teaching Literature 311. ❑

***PHILOSOPHICAL EXPLANATIONS*, by Robert Nozick. Harvard University Press, 764 pp., $25.00.**

Foundations of philosophy

PETER STRAWSON

ROBERT NOZICK HAS POURED all his great energy, intelligence, idealism, and intellectual courage into this most remarkable book. One would be tempted to speak of it as three books bound in one, but that its three divisions—Metaphysics, Epistemology, and Theory of Value—are, by him, as they should be, intimately and illuminatingly interconnected. He rejects the philosophically "coercive" aim of forcing agreement by argument and tries instead to explain how what we are disposed to believe, or would like to believe, about knowledge, the self, freedom, morality, and the meaning of life could, or might, possibly be true. He holds that understanding is gained by contemplating such possibilities, even if not all the explanations offered are finally accepted or acceptable.

Professional philosophers will be inclined to see his "explanations" as falling roughly into two classes: the analytical and the speculative. To the first class belong his treatments of the concepts of personal identity and identity over time in general, of knowledge, and of conflict of moral claims. These are all essays in what might, with no pejorative implications, be called "conventional" philosophical analysis. In their precision, clarity, and thoroughness they can scarcely be faulted. Nozick has a perfect acquaintance with the literature on these topics, keeps a cool head as he threads his way through their complexities, and comes up with analyses that seem likely to stand up, with at most minor modifications, to the discussions and criticisms they will certainly provoke.

His account of knowledge, in particular, is a tour de force. His analysis allows, and requires, him to concede to the philosophical skeptic that we do not know that one of the *outré* possibilities that the skeptic suggests is not realized (e.g., we do not know that we are not systematically hallucinated or deceived in some way), while blocking the supposed consequence that we do not know most of the things we take ourselves to know. This is but one aspect of a complex analysis that admirably "tracks" (to use Nozick's term) the contours of our intuitive concept of knowledge, i.e., gives the rationale of our reactions to imagined example-cases.

Imagined problem-cases abound also in the rich literature of personal identity. Here too Nozick shows how his formula fits the intuitions that most of us have, not only in the case of persons, but of persisting things in general. He says less about the application of his theory to the case of persons than one might wish; and what he does say seems to give an implausible degree of weight to what particular individuals might variously think to be important or valuable about themselves. This is perhaps a consequence of a long, intricate struggle with the notion of self-consciousness and of that distinctive self-concern that we would all acknowledge in ourselves and that Nozick finds characteristic of self-conscious beings.

Nozick rejects the "coercive" aim of forcing agreement by argument and tries instead to explain, even if not all the explanations are acceptable.

*OF NOZICK'S SKILL IN "CONventional" analysis there is no doubt; his overriding purpose, however, is not simply to exercise that skill but to explain how we and our concerns can have value, and in this enterprise the speculative strain dominates, though it does not exclude, the analytical. So it is with his treatment of free will, value, and meaning.

If agents (including ourselves), and their doings, are to have the value we are disposed to attribute to them, they must not be the playthings of chance or cause; they must act freely. But freedom seems to be threatened equally by causal determination and by randomness. Nozick opens his attack on the problem by seeking a way between the threatening alternatives. He allows that in a situation of choice the agent's action is caused by the reasons that weigh with him. It does not follow that the choice that bestows decisive weight on those reasons is itself caused. But neither need it be random or arbitrary. For the bestowal of weights is in effect the choice of a principle which that very bestowal falls under. "The weights are bestowed in virtue of weights which come into effect in the very act of bestowal," Nozick writes. The bestowal is "self-subsuming and self-reflexive."

Nozick doubts, and is surely right to doubt, whether this suggestion establishes—or even renders coherent—the concept of nonrandom indeterminism in action. So he next seeks surrogates for indeterminist freedom. If all actions are causally determined, then they all lack the (perhaps illusory) kind of value we associate with the notion of free will; but they may still have value of another kind. A particular action may stand to

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value (i.e., to the right and the good) in a relation parallel to that in which a particular true belief stands to the fact when it counts as knowledge: The action may "subjunctively track" the right or the good, that is, it may be such that not only is it the right or best thing to do, but also such that it would in any case be done by the agent were it the right or best thing to do and would not be done by him if it were not. The parallel is ingenious. Nozick admits that it does not of itself take us far toward a surrogate freedom. But we may edge nearer, he suggests, by adding a further condition. Some of the sting of determinism is removed if we suppose that knowledge, on the agent's part, of the determining causes of his choice would leave that choice unchanged in the particular case, although the agent is in general sensitive to such knowledge. (He is no longer at the mercy of ignorance of necessity!) If we include in the conception of the good that of approximating as closely as possible to the choices that would be made by a truly autonomous being (a "self-chooser") — if such a being were possible and could find itself in our situation — then, Nozick finally suggests, we are as near as we can be to freedom within the limits of determinism.

Nozick ends his chapter on free will with a defense of retributive punishment, which he sees as a kind of message to the offender that reconnects him with correct values and diminishes his satisfaction in having flouted them. As such it has value in itself irrespective of any improvement the reconnection may bring about in his defective character.

"Tracking" value requires that value exist to be tracked, that is, that there be objective truths about value, ethical facts. Many have supposed that there are no such facts: "Ethical truths find no place within the contemporary scientific picture of the world." Nozick's project, in the longest section of his book, is to explain how there might be such a thing as an objective ethics, and what its general structure would look like.

ETHICS IS THE FIELD OF VALue in general and embraces morality, which is the field of our obligations to each other as possessors of value. Valuing involves ranking, distinguishing degrees of intrinsic value. Nozick finds that "over a great range of things . . . the dimension *degree of organic unity* seems to capture our notion of (degree of intrinsic) value." In the course of a long, intricate exposition he suggests that organic unity can, in fact, be *identified* with value *(if value exists)*; shows how the morality of obligation would fall within the field of value, so understood, and what its general structure there would be; and touches, incidentally and illuminatingly, on many familiar issues in moral philosophy.

Approaching the end of this long chapter, Nozick acknowledges that what seems to be the crucial, "ontological" question is still unanswered, namely, *Does* value exist? *Are* there objective ethical truths? The answer he gives, which may seem to some like sleight of hand, may suggest to others that the question is, after all, not so crucial. It is an answer than can be read in two ways. We know what value would be and, in general, what sort of existing things or ends would have value if anything had. We have only to pursue those ends and value those things — we have only to impute value — and thereby we *choose* that there be value; value is brought into our world! The choice actually confers value both on itself and on what would have value if anything had. This is the sleight-of-hand aspect of the answer: The hunt creates the quarry; out of this hat, Pursuit, we pluck this rabbit, Value. Read the other way, the answer comes to this: Granted that we *in fact* value what would have value if anything had, what substance is left to the question whether anything *in fact* has value?

But Nozick has not yet finished with deep questions. There remains (it seems) a deeper one yet, perhaps the last question of all: How can life, even a valuable life, have *meaning?* Unless this, the last question, has a satisfactory answer, "unless it can be shown . . . how meaning is possible, ethics and value themselves . . . will be meaningless." The attempt to find meaning in a life, an activity, even a value, consists, Nozick holds, in seeking to transcend its limits by finding a place for it in a wider valuable whole that it serves and from which it derives meaning. But the wider whole cannot confer meaning on the limited thing unless it itself has meaning, which it in turn must derive from a yet wider context of value . . . and so on. The search, it seems, can reach a satisfactory end only if there is something that can have meaning in itself and with which we can stand in connection. But this cannot be any limited or finite thing, for which meaning involves transcending limits. So it must, if anything, be the unlimited — with which certain religions offer us the possibility of connection or, in the case of the Vedanta school, identity ("That art thou").

Is such a possibility real? Here Nozick draws back. He refers to, but finds indecisive, the reports of mystical experience; and, apparently discounting the previous argument, he settles, at least provisionally, for a limited transcendence, a relative meaningfulness that combines with value to yield the comforting compromise of "worth."

He ends his book, as he began it, with a discussion of the nature and procedures of philosophy itself, strongly opposing the scientific-reductionist tendency that is characteristic of much current thought and pleading eloquently for a conception of philosophy as a humanistic discipline.

Throughout most of the book Nozick's thought moves at a highly abstract level, and the movement itself is intricate, often convoluted, to a degree that nonprofessionals, attracted by the depth of his questions, may find daunting. Even professionals will sometimes find the argument tending to sink under the weight of its own elaboration. But the structure is wonderfully buoyed up by the author's exuberant intellectual energy and evident sincerity. One comes to the end with a sense that Nozick is not only an exceptionally intelligent man but also an exceptionally nice one. ❏

READING NOZICK: Essays on Anarchy, State, and Utopia, edited by Jeffrey Paul. Rowman & Littlefield, 418 pp., $27.50.

Foundations of freedom

DAVID GORDON

THE APPEARANCE IN 1974 OF Robert Nozick's *Anarchy, State, and Utopia* astonished the philosophical world. Here, in an argument of surpassing excellence, was a defense of a classically liberal theory of politics that, to many of the author's colleagues, was utterly abhorrent. Nozick actually had the audacity to defend property rights;

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moreover, he demonstrated that schemes for the compulsory redistribution of wealth, far from being demanded by morality, are in fact precluded by it. But defenders of the regnant orthodoxy of welfare statism could not pursue their usual tactic of consigning libertarian works to an Orwellian memory hole. Such devices, applied to Nozick, would have been futile, since he had, prior to the book's publication, acquired a well-deserved reputation as a philosophical prodigy, and no one interested in political philosophy was likely to ignore this book.

But *Anarchy, State, and Utopia* is thoroughly compelling, quite apart from its author's reputation for brilliance. To those who have not read the volume, it is impossible to convey the beauty and elegance of its argument, or the excitement of following the intricate path Nozick has laid out. The book's fascination has not deterred its ideological opponents from a counterattack, however, and some of the most important of these responses have been collected in Jeffrey Paul's useful anthology. Professor Paul has wisely not chosen all of his selections by the eminence of their authors. Many of the best analyses of Nozick, e.g., a paper by Eric Mack included in Paul's collection, are by sympathizers with Nozick's defense of liberty who are not so well known as they deserve.

The heart of Nozick's case against the welfare-state approach to distributive justice can be stated briefly. Opponents of free enterprise believe that wealth should be assigned according to the dictates of a pattern, generally one bearing a strong tincture of egalitarianism. Suppose, as an example, that everyone has been assigned exactly equal shares of wealth. Once people take possession of these shares, inequalities will result if people are allowed to do with their allotted portions as they wish. In Nozick's famous example, everyone may give Wilt Chamberlain twenty-five cents to induce him to play basketball. If, then, people can use their shares as they wish (and why on earth shouldn't they?), the favored pattern originally instituted will be overthrown. Restoring it will require constant interferences with individual liberty.

As may be imagined, egalitarians have not looked kindly on Nozick's demolition of their position. Judging by the responses collected by Paul, they have failed to bring any good arguments against this part of Nozick's case. Thomas Nagel seizes the bull by the horns, saying in effect: Yes, we *do* need constant interference with freedom; after all, that's what the pattern of distribution requires. He is welcome to his own conclusion, but those who think liberty of even slight value will be somewhat cautious in accepting his "refutation." All the more so as Nagel belatedly admits at the close of his article that no convincing justification for egalitarianism has ever been given. Thomas Scanlon, an influential Princeton social philosopher, bravely takes up the challenge. Like Nagel, he acknowledges that so far egalitarian philosophers have offered no explanation for their own faith. Scanlon's attempt to fill the gap must be read to be believed. It amounts to no more than a restatement of the position that equality is a good thing, exactly what he was supposed to be proving.

Anarchy, State, and Utopia, explicitly based on the assumption that individuals have rights, does not claim to ground this proposition in a fully worked out moral theory. (Those in search of such a theory may find the profoundest one in current philosophy in the recently published *Philosophical Explanations* — by

none other than Robert Nozick.) Critics were quick to pounce on Nozick's admission, to accuse him, in Nagel's phrase, of erecting a "libertarianism without foundations." They failed to realize the full strength of the case Nozick presents. He destroys the main competitor to a rights-based morality, utilitarianism, and, in remarks of immense suggestiveness, sketches a justification of rights in terms of individual autonomy. Furthermore, Nozick does provide an argument for the (unfortunately) most controversial of the rights he advocates, that of individuals to acquire and hold property. In an interesting essay, Professor Israel Kirzner suggests modifying part of this argument. Kirzner wishes to drop the much-controverted Lockean proviso, in which the right of property acquisition is qualified by its lapsing in some highly unlikely situations. Kirzner's challenging proposal generates more than a few problems of its own; though he acknowledges the most important of them in a note, he underestimates their strength.

The editor of this anthology clearly remains unsatisfied by the brief but brilliant remarks in defense of rights contained in *Anarchy, State, and Utopia.* Paul presents for scrutiny the arguments of a school of thought not widely known to the philosophical public, whose members claim to have at least gone a long way toward devising a rigorous philosophical foundation for the sort of society Nozick favors. The advocates of this point of view, though differing in many details, have all been heavily influenced by the philosopher-novelist Ayn Rand. According to them, the basis of ethics is man's pursuit of his life as a rational being. Egoism is the order of the day, according to Eric Mack, Douglas Rasmussen, Douglas Den Uyl, and, to some extent, the editor and his wife, Ellen Paul. A society in which individual rights are meticulously respected is, in the long run, in each person's interest "as a rational being"; and this fact alone suffices for its moral justification, they say. Why, then, need those in search of a foundation for individualism look further afield? While the arguments of these writers are stimulating and much more worthy of attention than much of the socialist pabulum currently purveyed, the answer to the question posed above is a simple one. The main contentions of this style of egoism are utterly overthrown in Nozick's essay "On the Randian Argument," which is reprinted in Paul's anthology. For example, Nozick shows that they confuse what is at best a necessary condition for valuing — man's existence "as a rational being" — with the ultimate value. Nozick's ingenuity in devising counterexamples shows to best effect as he pursues his Randian antagonists through all sorts of permutations of their argument. The spirited rejoinder of Rasmussen and Den Uyl, while based on a careful study of Rand's work, quite fails to come to grips with the essence of Nozick's argument. Ethical egoism is not the pearl of great price, and, after Nozick's article, had best be abandoned.

IF ONE EMPHASIZES, AS NOZICK does, the rights of individuals, the question inevitably arises as to the role, if any, that the state should occupy in a free society. Nozick answers by conducting a thought experiment. Individuals in a state of nature, he maintains, will establish protective agencies to secure their rights. These agencies will tend to grow and combine, or die,

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until, in a given area, a dominant agency emerges. If one accepts certain views, elaborately set forward by Nozick, about risk and compensation, one can show that the dominant agency may exercise the functions of a minimal state. But it may do even less than the "night-watchman state" beloved of nineteenth-century liberalism; indeed, the dominant agency hardly deserves the title of state at all since it lacks the power of taxation. In a challenging essay, one of the best in the volume, Eric Mack contends that Nozick's principle of compensation rests on an implicit utilitarianism at odds with the commitment to rights at the heart of Nozick's own system. Mack's subtle argument is, in my view, finally unconvincing; but his essay, the technical details of his reasoning aside, does exemplify an important pattern, namely, that the interesting and vital discussions of Nozick's work have been provided by those in broad agreement with Nozick's position. Here, for example, in Mack's essays and in the piece by Dr. Hillel Steiner of the University of Manchester, is where the philosophical action is; by contrast, the attacks by the socialistically inclined have fallen flat.

This anthology lays an excellent foundation for anyone wishing to make a serious study of Nozick's political philosophy. One hopes that its readers will be encouraged to acquaint themselves further with the work of this great philosopher. ❑

HOMOSEXUALITY AND AMERICAN PSYCHIATRY: The Politics of Diagnosis, by Ronald Bayer. Basic Books, 216 pp., $12.95.

Pride and prejudice

VERN L. BULLOUGH

*WHAT CONSTITUTES "MEN*tal illness," as Thomas Szasz has been so fond of pointing out, is culturally defined. The guardians of the definition in our society have been the psychiatrists, who themselves are captives of history. Psychiatry incorporates vast numbers of unexamined assumptions about behaviors that society has traditionally, for one reason or another, judged wrong, abnormal, sinful, or dangerous.

Complicating the "mental illness" issue is psychiatrists' relative inexperience in research, as well as the numerous difficulties psychiatric research presents. Much of the reported research consists of case studies, which usually have been analyzed according to the preconceptions of the reporter. Thus, when it came to a topic like homosexuality, which historically has been regarded as sinful, abnormal, wrong, and even dangerous to society, psychiatrists (particularly the psychoanalysts, who were the dominant group in American psychiatry) tried to fit their observations into these preconceptions and consequently classified homosexuality as pathological.

Once homosexuality was so classified, a vast theoretical framework was erected. Basing themselves on psychoanalytical assumptions, Sandor Rado, Irving Bieber, and Charles Socarides became the dominant voices in the field. Psychiatry, however, is influenced by other disciplines, and as the evidence came in from biology, anthropology, sociology, and history that, perhaps, homosexuality was not after all the pathological phenomenon that psychiatry assumed, reexamination became necessary.

Ronald Bayer gives an inside account of this reexamination, and "inside" is the key term. He indicates that the research of Alfred Kinsey and others did challenge the psychiatric assumptions, and he does mention that various religious groups were revising their attitudes, but his book concentrates on psychiatrists and the revisions for the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), which in 1974 formally changed its position on homosexuality. This concentration is both the strength and weakness of *Homosexuality and American Psychiatry.* By focusing on this attempt, Bayer is able to examine the problem that redefinition posed for psychiatrists; but by ignoring the other forces, he tends to accept psychiatrists on their own terms, as the definers of pathology — terms that are at least debatable.

Essentially, the redefinition fell to the jurisdiction of the APA's Committee on Nomenclature. Its decision was not made on the basis of evidence, but instead, as Bayer points out, under political pressure from the gays themselves. Though there were large numbers of psychiatrists who disagreed with the old DSM diagnosis, the issue was forced by militant gays who had disrupted the national meetings of the psychiatrists and threatened to continue to disrupt them. Almost none of the committee members had done research into the area of homosexuality, and though they did consult with some of the psychiatrists who had, this represented an attempt toward consensus orchestrated by Robert Spitzer, who led the struggle within the nomenclature committee. The committee did reach consensus, but it was on the basis that the inclusion of homosexuality in the DSM II constituted an unjustifiable extension of the concept "psychiatric disorder." To continue to include it in the diagnostic manual would require the inclusion within the concept of psychiatric disorders of all "suboptimal" conditions, and if this was to be the case, no group would be left out of the manual. Vegetarians could be listed because they had an unnatural avoidance of carnivorous behavior; male chauvinists, because of their irrational belief in the inferiority of women; religious fanatics, because of their dogmatic and rigid adherence to religious doctrine; and celibates, because of their failure to achieve optimal sexual functioning. This argument was bought by the Council of the APA, but not by all its members; a faction led by Bieber and others demanded a mail poll of all the members. Since the APA constitution had been amended to permit votes on the "extra scientific" policy of the association, the members were polled. The final vote showed that 5854, or 58 percent of those voting, favored deleting homosexuality from the list of pathological conditions, while 3810 (38 percent) opposed this. Some 367 (3 percent) abstained.

The battle, however, is still not over. Bayer thinks the issue will continue to be argued until a new generation of psychiatrists is able to forget about the old debates. This is probably true. What the book demonstrates is that though psychiatry would like to be considered a science, that is far from being the case. Until now few psychiatrists have been able to devise ways of testing their assumptions, and until they do, psychiatry will be subject to pressure groups pushing their own values and prejudices. ❑

Among VERN L. BULLOUGH's books are Sexual Variance in Society and History *and* Homosexuality: A History. *He is dean of the faculty of natural and social sciences at SUNY College at Buffalo.*

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***MAN OF IRON*, directed by Andrzej Wajda.**

***CONTRACT*, directed by Krzysztof Zanussi.**

Notes from the front

STEPHEN HARVEY

YOU DIDN'T HAVE TO BE A political scientist to foresee the crisis of confidence that led to the rise of the Solidarity movement in Poland — those few fortunate moviegoers who had the chance to see the compelling films of Zanussi and Wajda over the last decade have watched the tempest brewing for years. The most arresting qualities of such movies as Wajda's *Without Anesthesia* and Zanussi's *Camouflage* and devastating *The Constant Factor* have been an all-pervasive sense of doubt and an aura of rueful disillusionment. Their protagonists — newscasters, university instructors, technicians, film makers — are all compromised in the end, however stainless their aspirations. The social order that shapes their lives is viewed, with a kind of repressed outrage, as suffocating and sclerotic, rewarding the cautiously mediocre, isolating the foolhardy renegades with inexorable dispatch. These films' understated intimations of hopelessness suggest that, while the particulars may alter, the overriding political realities are immutable, and indeed that any system is ill fated by the fallibility of those who govern and are ruled by it.

Such a vision could easily undermine political idealism, however satisfying the results might be as drama. These eloquent expressions of despair might well breed a conviction of impotence in those who could least afford it. This is the conundrum Andrzej Wajda, Poland's most skillful and ambitious film maker, is obviously confronting. His mammoth and meticulous *Man of Iron*, which closed the New York Film Festival and is gradually being released elsewhere, is not dedicated merely to recapturing the 1980 convulsions at Gdansk. Even more urgently, the film seeks to persuade its audience this act of defiance was necessary and to show them the future it presages. Such intentions are not easy to reconcile: Wajda's resolve to burnish his protagonists into unsullied symbols of hope runs counter to his deepest convictions as an artist.

As long as *Man of Iron* is simply depicting the tension of these turbulent events, it's an indelible and persuasive achievement. Wajda's mass of participants and bystanders, and his camera itself, continually dart and lurch in a frenzy of confused activity. All the characters we see, whatever their ideological perspective, look fevered and pasty-faced, as if they were literally sickened by living on the brink of cataclysm. (One central figure, in fact, breaks out in a raging case of eczema.)

The distracted, rushed tempos of *Man of Iron* reflect Wajda's own breathless determination to grasp this crucial moment and haul it onto the screen; the film premiered last spring at Cannes, hardly a year after the advent of the movement it glorifies. Wajda mingles dramatic reconstructions with actual footage of the Gdansk rallies and meetings (not always successfully, as the two tend to be a visual mismatch). His dramatic characters pursue their collective mission while the authentic speeches of party spokesmen, alternately stern and conciliatory, blare mostly unheeded from television sets in the background. Wajda even makes a virtue of the pinched resources that have always plagued the Polish cinema. The local color-process tints everything acrid brown, like the flesh of an apple exposed to the air too long. Here this flaw is, ironically, expressive, making everyone on screen look undernourished and drained with apprehensive excitement.

Man of Iron unfolds under the gaze of someone who seems to be a stand-in for Wajda himself, Winkiel, a minor functionary at Warsaw Radio sent to Gdansk to get the scoop on Solidarity in general and on the (fictional) young firebrand who stirred up all the trouble. Winkiel, with the physical characteristics of a boiled dumpling and the inner resources to match, is a figure of poignant equivocation in the best Wajda tradition. Having committed his share of political indiscretions during the student upheavals a decade earlier, he's atoned ever since by keeping the lowest of profiles at the station—accommodating his superiors whenever necessary, slithering out of their line of vision whenever possible. Before long, he learns that his real function is not so much to report on the movement as to nail it—just as he's coming under the

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spell of Solidarity's rectitude and sincerity. Winkiel (like Wajda, perhaps) is in an inescapable double bind—the strikers don't trust him, the authorities hold him in contempt, and, whichever side prevails, he'll be consigned to limbo.

Had Winkiel (played with just the right tone of flaccid self-disgust by Marian Opania) been the real center of the movie, *Man of Iron* would have been the complex, wrenching work of which Wajda is obviously capable. But he's just the lens focused admiringly on Wajda's true protagonists, the intellectual turned working-class leader, and his fearless, stoic wife. The most (unintentionally) telling scene is the couple's wedding ceremony, during which none other than Lech Walesa makes a cameo appearance to give his benediction. The evident contrast between Solidarity's real-life galvanizer and his celluloid counterpart instantly underscores what's awry in *Man of Iron*. Where Walesa is touchingly fumble-tongued and physically unimposing, Tomczyk (Jerzy Radziwilowicz) and his bride (Krystyna Janda) are photogenic plaster figures out of a Socialist Realist 8 x 10 glossy. Unswervingly impassioned, fluent and righteous, these two are as hollow dramatically as they are admirable rhetorically. Wajda has in fact resorted to the clichés of the very regime he means to repudiate, the regime he has defiantly abjured in a quarter-century of moviemaking. The gravity of the moment may make such qualms seem petty; Wajda undoubtedly feels that for now it's more vital that he stir the emotions of his public than forge a masterwork for the ages. One hopes *Man of Iron* scored a propaganda triumph in its homeland, but Wajda's sacrifice to the cause is only too apparent. For a decadent Westerner like myself, this telling film would have been transcendent as well if only Wajda had allowed his men of iron to reveal their mortal feet of clay.

THE MAKING OF KRZYSZTOF Zanussi's *Contract* preceded the 1980 upheavals, and it touchingly shows; it's a microcosm of national malaise, caste frictions, and personal discontent, with no outlet in sight. Its structure clearly owes much to Altman's *A Wedding*, but the whole is thankfully unblemished by the latter's anything-for-a-gag misanthropy. Much of the film takes place during an abortive nuptial fete at the wooded villa owned by the father of the groom. Assembled for the happy event are the sleek colleagues of the host, preeningly self-satisfied with their share of the perks in the "classless" society: his grandly Gallic sister-in-law (Leslie Caron), a former prima ballerina who swishes her Western glad rags; the bride's provincial bureaucratic cog of a father, clearly discomforted by all this *luxe;* and a daunting governmental eminence, enthroned like an archbishop as the guests hover beseechingly, and vainly, around him. Then there's the rapturous couple, who are scarcely on speaking terms by now and propelled to the altar only by the prospect of—at long last—a livable apartment.

As the long evening progresses, each calamity is succeeded by others ever more embarrassing — the bride bolts and disappears, Caron loses control of her kleptomania and is humiliatingly unmasked, the house catches fire while most of the revelers are whooping it up on a sleigh ride. Presiding over it all and determined to put a genteel, brave face on things is the groom's stepmother, Dorota (Maja Komorowska). The extraordinary subtlety and compassion with which Zanussi has drawn her illuminate this otherwise depressing group portrait. Beaming fatuously from behind her spectacles, she's dismissed as a gauche simpleton by her cosmopolitan friends and relations, and as a superfluous bourgeoise by just about everyone else. Yet gradually Zanussi reveals, without cuing us in explicitly, that Dorota's really a kind of secular saint; her unobtrusive human concern is the unguent that barely holds this shambles of a community together, although everyone is too self-absorbed and patronizing to appreciate her.

Zanussi is too delicate a film maker to push his symbolic luck too far, which makes *Contract* all the more absorbing as an elegy for a society corroded from within but likely, in Zanussi's view, to be supplanted by something even worse. The director observes it all with sadness, while reserving judgment. The very last images, of Dorota and her companions jolted by the sudden apparition of a tall-antlered stag, are startling and redolent precisely because Zanussi keeps their meaning elusive. In his lapidary rendering of the solaces and gall of life before the revolution, Zanussi is a worthy successor to Gorky.

OUT & AROUND

Taxi zum Klo—Much has been made of this movie's homoerotic explicitness (and, indeed, if you've been longing to see "golden showers" treated on the screen with candor and integrity, this is the movie for you). More startling, as far as I'm concerned, is the fact that *Taxi* focuses on contemporary gay life without being dour, dire, or mopey about it; more miraculous still, this is a German movie with a discernible, and irresistible, sense of humor. It's a *cinema verité*-style screwball (oops) comedy about the mismated ménage of Frank, known as Peggy to his friends, a Berlin school teacher and off-duty habitué of every leather dive and tearoom in town, and Bernd, a boyish, laconic sort, who envisions an eternity of home-cooked sauerbraten for two. Since Frank is none other than Frank Ripploh, the film's director, writer, and star, *Taxi* ought by rights to have been an orgy of narcissism. Instead, it's a portrait of exhibitionism stripped of all vanity. Lanky, sallow-faced, and wry, Ripploh resembles an early-sixties folky who's traded his guitar for a bottle of poppers. With disarming nonchalance, he exposes his own rather breathtaking self-absorption and compulsiveness, warts and all — literally, during the course of his visit to the local proctologist. Ripploh's matter-of-fact jauntiness represents the worst nightmare of the Falwellians, and his movie autobiography is all the more winning for it.

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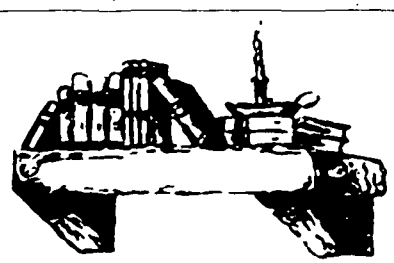

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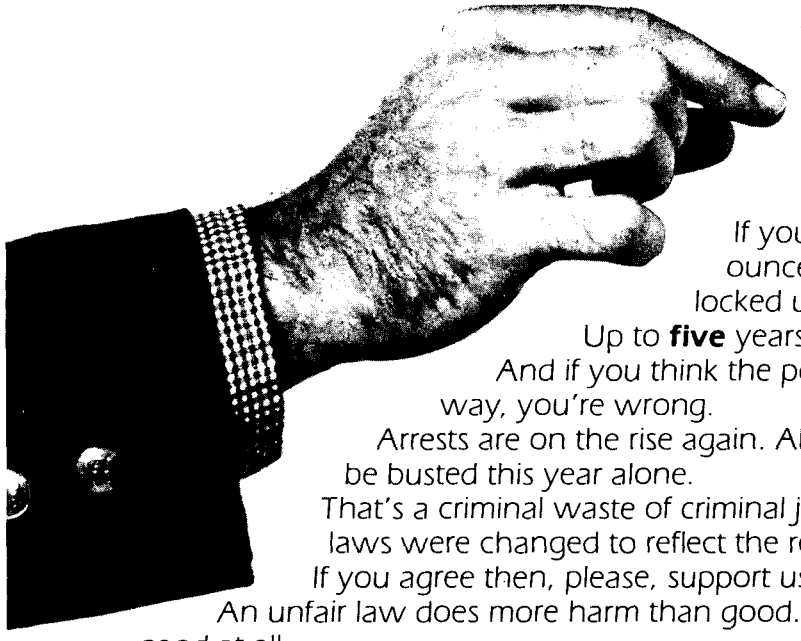

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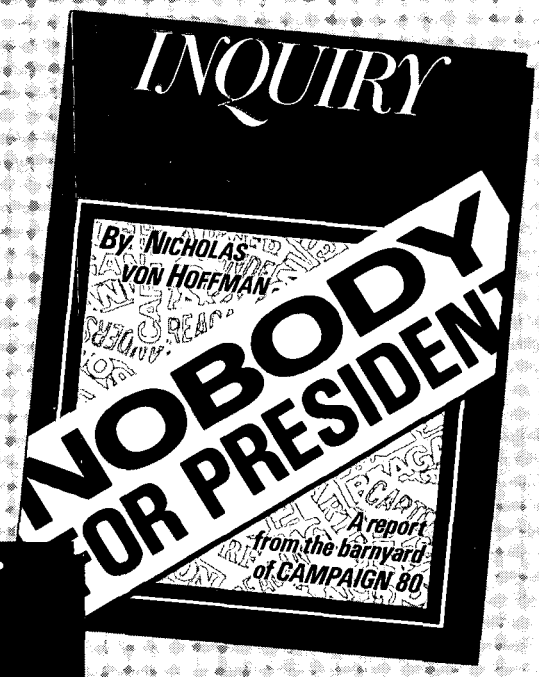

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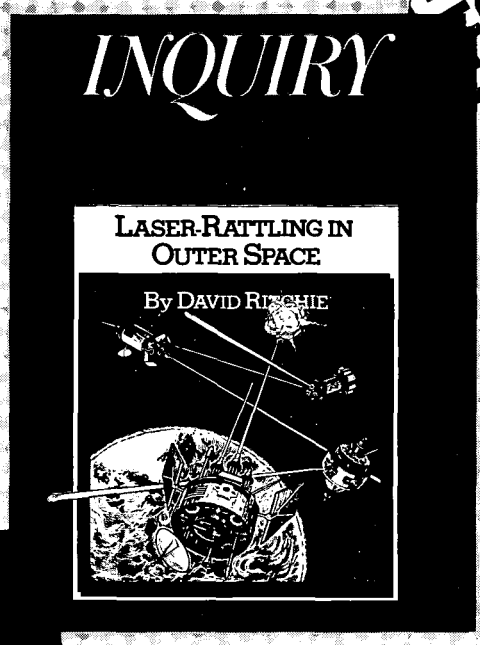

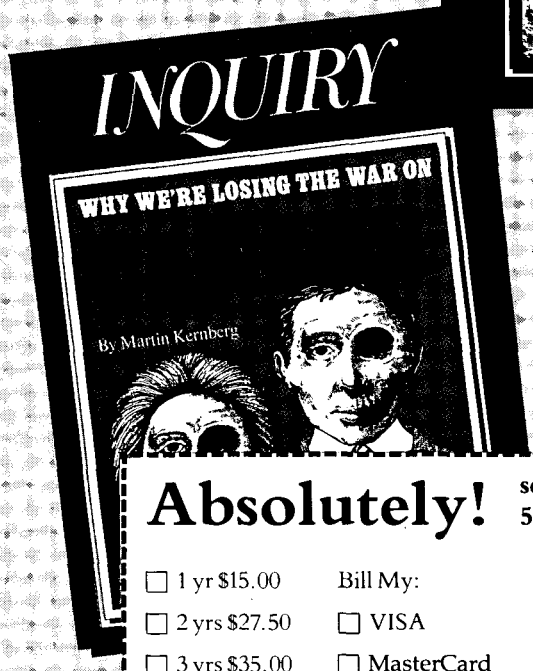

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